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A

HISTORY

OF THE

POLITICAL LIFE

OF THE

RIGHT HONOURABLE

WILLIAM PITT.

VOL. II.

G. SIDNEY, Printer,
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A

HISTORY

OF THE

POLITICAL LIFE

OF THE

RIGHT HONOURABLE

WILLIAM PITT;

INCLUDING SOME ACCOUNT OF

THE TIMES IN WHICH HE LIVED.

By JOHN GIFFORD, Esq.

IN SIX VOLUMES.

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NEC SIBI, SED TOTI GENITUM SE CREDERE MUNDO.

LUCAN.

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THE

POLITICAL

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CHAPTER XI.

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[1788.] During this year, the domestic concerns of the French nation began to attract the serious attention of all Europe, and to assume a gloomy and portentous aspect. It has been seen that the King, and his ministers, had

betrayed a want of decision which was peculiarly calculated to lessen the dignity of the Crown, and to curtail the power of the Sovereign.—They possessed the courage to enforce the most rigorous acts of authority, but they wanted the resolution to abide by their consequences. When the Parliament had refused to register the financial edicts, respecting the Land Tax and Stamp Duty, the King had recourse to a measure, sanctioned by the prescription of ages, in holding a bed of justice, and in ordering the edicts to be registered in his presence. The protest of the Parliament against this proceeding was, in fact, an invasion of the established law of the realm, and their denunciation of punishment, against all who should obey the edicts, was an assumption of the supreme power, both legislative and executive, which amounted to an act of rebellion. It was the duty of the ministers to represent it to the nation as such, and, as such, to inflict punishment on the authors of it. Instead of which, they gave a sanction to the proceeding, by a cowardly compromise, and by relinquishing the edicts themselves. Hence the public were, naturally enough, led to conclude, that the Parliament were right, and that their Sovereign was wrong; and this notion tended, very materially, to destroy that extreme respect, amounting almost to veneration,

for the royal authority, and for the person of the King, by which the people of France had, for centuries, been particularly distinguished.

The power and jurisdiction of the French Parliaments had varied, at different periods of the monarchy, and had never been defined with precision. The proper province of their members was that of judges: in all matters of law, they had both an original and an appellant jurisdiction, as well in civil as in criminal cases; and there was no appeal from their decisions but to the King in Council.—They had always, however, claimed, and generally exercised, the right of remonstrance against edicts, which they were ordered to register; and they had, sometimes, even refused to register them. In the reign of *Charles the Ninth*, they had acted much in the same manner in which they acted in the year 1787. They then refused to register an edict, for extending the toleration the Protestants, and denounced the punishment of *Death* upon all who should presume to exercise the privileges which that edict conferred. But the interposition of the royal authority crushed their opposition, and compelled the registry of the edict. Louis the Sixteenth had, on his accession, adopted a measure of great wisdom in respect of the Parliament, the object of which was to define the boundaries of their authority. When

he came to the Throne, he found them in a state of exile, to which they had been consigned by his predecessor: in compliance with the dictates of a heart ever prone to acts of benevolence and mercy, he very soon recalled them; and, shortly after, held a bed of justice, at Paris, at which he commanded an *ordinance* to be registered, containing, in sixty articles, rules and directions for the conduct and government of the Parliament, whose power and pretensions it confined within very narrow limits; the members were forbidden to transmit any remonstrance or *arret*, concerning such affairs as might be submitted to their consideration, to any other Parliaments, except in the cases specified in the ordinance: they were enjoined never to relinquish the administration of public justice, except in cases of absolute necessity, for which the first president was made responsible to the King; resignations, the result of premeditation, were declared to incur the penalty of forfeiture, and the guilt of petty treason;—and, in such cases, the grand council might replace the Parliament, without any new edict for the purpose. They were still, however, allowed to enjoy the right of remonstrance, previous to the registry of any edict or letters-patent, which they might conceive to be injurious to the welfare of the people, provided [illegible] preserved, in their representations, the [illegible]

which was due to the Throne. But the repetition of such remonstrances was expressly forbidden; and the Parliament, if their remonstrances should prove ineffectual, were bound to register the edict to which they had objected, within a month, at farthest, from the first day of its publication. They were strictly prohibited from issuing any arret which could tend to excite trouble, or, in any manner, retard the execution of the King's ordinances; and they were assured, by the King, at the conclusion of this code, that so long as they kept within the prescribed limits, and made no attempt to extend their power, they might depend upon his favour and protection.

Against this edict, which thus became as much a law as any other law of the realm, no protest was entered by the Parliament, nor did they pretend that it infringed, in any respect, on their constitutional rights. Yet, in less than thirteen years after its legal promulgation, did these magistrates, these guardians of the law, act in direct violation of its spirit, and its letter. In consequence of their refusal to register two edicts, (one for a loan of eighteen millions, and the other for taking off some few of the restrictions under which *Protestants* had long laboured) even in the King's presence, who had repaired to the *Palais,* for the purpose of having them

registered, two of their members, Monsieur Freteau, and the Abbé Sabatierre, had been arrested, under the authority of *Lettres de Cachet*, and sent to distant prisons; and the duke of Orleans, who was present, and took the lead in opposition to the King, was banished to one of his country seats. This act of unseasonable severity, exercised too in a most objectionable manner, afforded the Parliament one of those opportunities, of which they were ever most anxious to avail themselves, of justifying their own conduct, and of arraigning that of their Sovereign. They accordingly drew up an address, couched in very strong terms, which they presented to the King. In this address they pronounced *Lettres de Cachet* to be instruments of despotism, unknown to the law, and utterly subversive of the liberty of the subject. So far they were right.—The use of these letters was certainly not sanctioned by any *ordinance* or *edict;* but, by long custom, they had, unfortunately, become a part of the *Lex non Scripta*, or *Common-law* of the land. They had been most prodigally used, and for the most tyrannical purposes, in the preceding reigns; but Louis the Sixteenth had scarcely ever had recourse to them; and when he had, it had been, chiefly, at the request of some head of a family, who had a profligate son, of debauched

principles, leading a vicious course of life, and wasting his patrimony in every species of dissipation;—and so little objection to them did the magistrates entertain, that they had themselves, very frequently, solicited the King to issue them.—Still there can be no doubt that the existence of such authority in the King was fatal to the freedom of the subject, since it gives the Sovereign an absolute power over the person of every individual in the kingdom. The nature and tendency of these engines of oppression had been fully discussed since the accession of Louis the Sixteenth to the throne.—They had been frequently attacked, with great force, in the eloquent pleadings of Target, and in the law-writings of Elie de Beaumont, as well as by the able pens of Mirabeau, and the President du Paty. But, indeed, it required neither eloquence nor ability to render them odious in the eyes of men who were subject to their operation. The true question, however, in the present instance, was not, whether they were injurious to liberty or not, but whether they were not sufficiently sanctioned, by prescription, to justify the King in using them.—But this was almost the only point to which the Parliament forbore to direct their attention: they asserted, indeed, in general terms, that personal security was solemnly promised by the

laws, and due to every Frenchman by the principles of the constitution; but they never specified any law in support of the assertion, nor explained those principles of the constitution to which they so confidently referred, nor yet indicated where they were to be found, nor when they were established.—In other respects, their address was highly disrepectful, and even insulting.—The King, in his answer, asserted his right, and forbade them to repeat such conduct, or to present any such addresses in future.

This prohibition had no effect on the Parliament, who continued to debate, to resolve, and to circulate their resolutions, which were admirably formed to work upon the passions of the people. Indeed, from their whole conduct, at this period, it was perfectly clear that they meant to oppose their own power to that of the Sovereign,—in other words, to rival their King; and were weak enough to imagine that they could engage the multitude in their cause; while they had not the sense to perceive, that, by weakening the bonds of authority, and by destroying that respect which the people had been accustomed to entertain for their superiors, they necessarily paved the way for their own ruin. Their conduct, too, was most factious, and utterly without excuse; for they

knew that the distresses of the government were so great that its ordinary operations were suspended from want of money; and yet they refused to register edicts which were indispensably necessary to remove this distress, though totally unobjectionable in their nature. —In short, if they had wished to produce a rebellion, they could not possibly have adopted more efficacious means for the purpose.

During this contest, between the King and the Parliament, the ministers were employed in devising remedies for some of the existing abuses: M. de Lamoignon, the keeper of the seals, had formed an admirable plan for reforming the civil and criminal justice of the country, which, indeed, stood in great need of a radical reform. —The edict for extending certain indulgences to the protestants was, at the same time, revived; and was, at length, registered by the Parliament, in the month of January.—In short, the disposition now displayed by the King and his ministers was such, that, had the Parliament, instead of thwarting all their measures, acted honestly in conjunction with them, as it was both their interest and their duty to do, there can be no doubt that many important concessions might have been obtained, favourable to the liberty of the subject, and many salutary laws passed for the promotion of the

national prosperity and happiness. But the Parliament seemed to have very different objects in view; and, as if vain of the part which they were playing, in maintaining a controversy with the King, they published remonstrance after remonstrance, and address after address. In the month of April they presented one of these, in which they charged the King with having established a despotic government; on the ruin of popular freedom; they plainly told him, that his Parliament could never allow one act of arbitrary power (alluding to the imprisonment of the two members) to destroy the essential rights which his subjects had enjoyed for thirteen hundred years;—they asserted, that public liberty was attacked in its very principles; that despotism was substituted for the law of the land; that the privileges of magistracy were violated, and Parliament made the mere instrument of arbitrary power.—They contended that, according to the principles of the constitution, the King's edicts could not become laws, until they had been freely and fully discussed by the Parliament, and, after such discussion, registered by them.—According to this system, the King had only the power of proposing laws, while the right of confirmation, and rejection, rested exclusively with the Parliament;—of course the

Parliament were superior to the King, as it was their fiat which made the law. They affected to quote history in support of this monstrous assumption; but, without recurring to the primitive ages, for the source of regal or of parliamentary authority, it is sufficient to know, that the constant practice of the two last centuries afforded the most complete contradiction to all their averments. The King had no difficulty in confuting such untenable positions, and in proving that the authority claimed by the Parliament was wholly foreign from the purpose of their institution. Anxious, however, to rid himself of this vexatious opposition, he concurred, with his ministers, in the formation of a plan for defining the power of the Parliament, and for altering the whole administration of justice throughout his extensive empire. For this purpose it was proposed to establish a number of grand bailiwicks, in every part of the kingdom, who were to take cognizance of all ordinary law-suits;—and to create a great council of state and government, under the title of *Cour Pléniere*, which was to be exclusively entrusted with the privilege of registering all the ordinances and edicts of the crown, and to be invested with such powers, and with such functions, as would reduce the members of the Parliaments to their proper characters, as

judges.* It was intended that this supreme court should be composed of princes of the blood, and peers of the realm; great officers of state; clergy; mareschals of France; governors of provinces; knights of the different orders; members of the council; one member of each parliament in the kingdom, and two from the chambers of accounts and aids.—The members were to be chosen by the King, but were to hold their places for life.

This extensive project was reduced into order, and sent to the royal press, at Paris, to, be printed, previous to the intended communication of it by the King to his Parliament.—The utmost secrecy was observed, and the printing-office was surrounded by guards. But M. D'Epresmenil, an active and enterprising member of the Parliament, found the means to corrupt some of the printers, by a bribe of five hundred pounds, and so to obtain a copy of the new code.† In consequence of this discovery, a

* "The Parliament acknowledged, in the fifteenth century, "that their only right was that of trying causes: they "had no right to take cognizance of matters of finance, of "government, or of war."—Introduction to the *Moniteur*, p. 38, under the head, Parliaments.

† Histoire de la Revolution, &c. par deux lamis de la liberté, tom. 1. p. 44. Note.

meeting of the Parliament was convened on the third of May, at which nine strong resolutions were entered into, expressive of their determination to resist every attempt at innovation, and to defend their own rights and privileges. They also contended, that neither the King nor themselves had any right to levy subsidies, or to impose taxes, such right being exclusively vested in the nation, represented by the States-General, duly convened.

Nothing could shew the violence and folly of these men more plainly than this last preposterous assertion;—because the States-General had not been convened since the beginning of the preceding century, and yet, from that period to the present time, the King had constantly exercised the right of levying taxes on his subjects; and the Parliament had registered those taxes.—It would have been but decent in the Parliament to wait for the King's communication of the new project before they entered their protest against it; but this did not suit their purpose; they wished to irritate the people against the court; and they were careless of the means by which that wish was to be gratified. The King, meanwhile, incensed, and justly incensed, at their proceedings, issued an order for arresting M. D'Epresmenil and M. de Monsambert, who had taken an active

part in the business. Indeed, when it is considered that the former of these magistrates had acted the dishonest part of bribing a man to commit a gross breach of trust, it must be admitted that he was deserving of punishment. After some trouble and delay they were both arrested, and committed to different prisons. This measure supplied the Parliament with a fresh pretext for remonstrating with their sovereign, and a deputation was appointed for that purpose; but the King refused to admit them, and they returned to Paris without fulfilling their commission.

On the 8th of May, the King held a bed of justice, at Versailles, at which his new plan of reform was read. It contained a great number of articles, and filled six large pages, very closely printed, and in a small letter. Many of the provisions were excellent, and the whole was calculated to produce a very essential improvement in the administration of civil and criminal justice. The King made a long speech, declaratory of his motives, in bringing forward this project, and of his anxious wishes to promote the happiness and welfare of his subjects. The ordinances were then registered, and all the Parliaments in the kingdom were strictly forbidden, both generally and individually, to assemble, or deliberate, on any affair, public or

private, until the King's pleasure was further known; his Majesty declaring that, in the mean time, he would take the necessary steps for carrying the new ordinances into effect.—The members of the Parliament, who had attended this bed of justice, received special orders to remain at Versailles, and to be present at the first sitting of the plenary court on the following day;—but, previous to their attendance, they entered a protest against the measure, in which they declared, that they had only been led to attend, from *passive obedience* to the orders of their sovereign; and that their presence must not be considered as any proof of their acquiescence or consent, to the formation of the plenary court, of which their oaths, their duty, and their fidelity to the service of the King, rendered it impossible for them to become members.*

The Parliament were now too much accustomed to brave the royal authority to be deterred, by any prohibition, from pursuing the dictates of their own inclination. In contempt, therefore, of the King's order, they met, and drew up further protests in a similar spirit and strain to their former publications; they at-

* Ibidem, p. 112.

tacked the new plan of reform as destructive of the fundamental principles of the French monarchy; and expressed their determination to resist all attempts at innovation. It was certainly their *interest* to oppose the establishment of the new court, because it would, of necessity, abridge their privileges, and curtail their emoluments; but it is equally clear, that the nation would have derived material benefit from the whole of the plan, which was well framed for the purpose of remedying many of the numerous abuses which existed in the administration of justice. To avert the effects of their opposition, the King issued orders to the governor of Paris, to take possession of the *palace*, in which the Parliament held their meetings, with a military force, and to prevent the members from assembling. And the same measure of suspension was enforced, at the same time, against every other Parliament in the kingdom.

But the various publications of the Parliament, which had been circulated with incredible industry, had so far produced the desired effect, as to throw almost every class of the community into a ferment, and as to excite a very general discontent at the new plan of judicial reform. Even the nobility and clergy espoused the part of the Parliament, and pre-

sented addresses to the King, calling upon him to forego his intentions, and to abandon his projects.—Indeed, it seemed as if every description of his subjects had forsaken their sovereign, and that, while they opposed every plan of relief or reform, which he, or his ministers, could devise, they suggested nothing in their place, but left him to struggle with his difficulties as he could. This desertion of the two first orders of the state must have convinced the King that his situation was critical, if not perilous.—Meanwhile, the most audacious libels were publicly distributed in the metropolis, replete with the most seditious invectives. The mildest monarch that had ever swayed the sceptre of France, was daringly stigmatized as a tyrant; and the people were called upon to throw off the yoke of oppression. In short, every provocative to rebellion which the ingenious malice of Frenchmen could suggest, was employed to irritate the people against the King.—Nor were the provinces in a much better state of order and tranquillity. The spirit of sedition, to which the Parliament had given birth, was widely diffused over the land, and seemed to be the herald of approaching anarchy. The sanguine and turbulent minds of the French, rejecting all sober and temperate measures, scorned all progressive improvement, and, dissatisfied

with reform, openly proclaimed the intention of subverting the government of the country. To increase the gloom and horror of the scene which now presented itself to the astonished sight, a darkness overspread the face of the earth, (in the morning of Sunday, the 9th of July,) and was followed by a dreadful tempest, which, in a few hours, rendered a fertile district of sixty square leagues a perfect desert, destroying all the fruits of the soil, and presenting the most dismal spectacle of woe and desolation that the human imagination can conceive. Its fatal ravages extended, with more or less fury, and with occasional interruptions, over the greater part of the kingdom. It would seem as if Heaven meant to chastise the rebellious spirit which was now bursting forth, or at least to caution the proud and turbulent inhabitants of the land against braving the vengeance of an offended Deity.—It was not, however, received as a lesson by the people; the distress which it occasioned, instead of humbling the minds of the sufferers, only served to increase their discontent; while the bounty of the king, who spared no efforts to relieve them, did not even produce the effect of mitigating that mutinous and violent disposition which betrayed itself in every quarter.

The determined opposition which the King

experienced, on all sides, operating on a disposition, unhappily for himself and his country, too prone to concession, soon induced him to abandon all his plans of judicial reform, and to submit to the shame of retracting measures which he knew to be necessary for the welfare of the nation. His retractation, however, while it lessened his authority, produced no one good effect. The nobility, the clergy, and the Parliament, whose remonstrances had extorted from their sovereign this degrading submission, did not step forward in any way to relieve the extreme distress under which the government was known to labour. The king was now reduced to the necessity of giving public notice that only a part of the demands on the Royal Treasury could be paid in cash, and that the rest must be taken in notes, payable at a year, and bearing an interest of five per cent.; which notes would be received as money in the subscription to the first new loan that should be raised.—This act of necessity created a general alarm. The run upon the Caisse d'Escomptes, was such that nothing but a Royal Edict, compelling every body to receive its notes as cash, could save it from bankruptcy.—The price of bread was nearly doubled. Persons of opulence dismissed their servants; and every symptom of extreme distress became visible.

At this crisis, the archbishop of Sens, the prime minister, wanting both resolution to brave, and ability to avert, the coming storm, abandoned his post and fled to Italy. Thus deserted, by all whose duty it was to support him, the King, in an unlucky moment, adopted the desperate resolution of throwing himself into the arms of the democratic party, and of recalling Mr. Neckar.—This done, the Parliaments were next restored to their functions, and signalized their gratitude, by publicly committing to the flames the royal decrees by which they had been suspended, and thereby rousing the populace to deeds of violence and revolt. A new convention of the notables was summoned to meet in November, preparatory to the assembly of the States General, whose meeting was fixed for the first of May, 1789.

While the kingdom of France was exposed to these visitations of Providence, and to these convulsions of party, the people of England were thrown into a state of alarm, by a calamity which threatened to deprive them of a Sovereign, whose signal virtues, uniformly displayed, during a reign of twenty-eight years, had endeared him to every class of his subjects. Early in October, the King's health appeared to be sensibly impaired, and, though he was sufficiently recovered to hold a levee on the twenty-

fourth of that month, before its conclusion, his disorder assumed a marked character, and most serious aspect. Early in November, it became generally known that it had settled in the brain, and had, consequently, rendered his Majesty incapable of exercising the royal functions. A prayer was composed, on the occasion, by the heads of the church, and a general gloom and consternation pervaded the country. Parliament, having been prorogued to the twentieth of November, it became necessary that it should meet on that day, as the Sovereign, by whom only it could be further prorogued, was not in a situation to assert his prerogative. In the mean time, the leaders of the different parties, who were materially interested in the event, assembled in the capital; and an express was dispatched to Mr. Fox, then absent on the continent, to accelerate his return.

On the appointed day the Parliament assembled, when Mr. Pitt observed, in the House of Commons, that history supplied but few instances of such a situation as that in which they were now placed, proceeding from the severe malady with which his Majesty was afflicted, and which rendered it impossible for his servants to receive his commands. So circumstanced, the House had not the power, nor could it have the inclination, to enter upon the

discussion of public business; and it appeared, from a search into precedents, that, in situations that have the least similarity to the present, it had always been customary for them to adjourn. Mr. Pitt, therefore, proposed, (and the House unanimously agreed) to adjourn for a fortnight, observing, that should his Majesty's illness be, unhappily, protracted beyond that period, it would be necessary to enter upon business of the greatest importance, and some mode must be adopted for supplying, as far as could be done, the want of the royal presence. And, in order that the solemnity of their proceedings might be adapted to the importance of the subject by a full attendance, it was further resolved, on the motion of Mr. Pitt, that the House should be called over on the fourth of December, and that the Speaker should send circular letters to every member.

A meeting of the privy council was summoned for the third of December, at which a considerable number of the members of opposition were present;—when the physicians, who had attended the King during his illness, were examined, in order to ascertain whether his Majesty was incapable of meeting his Parliament, and of attending to any sort of public business; what was the probable duration of his malady; and what the probability of a cure; his

incapacity to attend to business did not admit of a doubt; but the physicians could assign no probable duration to the disorder; though they considered a cure as highly probable. These proceedings were reported to Parliament, at their meeting, after which both Houses adjourned to Monday, the eighth of December. It was then proposed, by Mr. Pitt, that a committee of twenty-one members should be appointed to examine the King's physicians themselves. The proposal was admitted, and, two days after, the committee presented their report to the House; when another committee was moved for, by the minister, to examine the journals, and report precedents of such proceedings as might have been had, in cases of the personal exercise of the royal authority being prevented, or interrupted, by infancy, sickness, infirmity, or otherwise, with a view to provide for the same. Mr. Fox objected to this motion as nugatory, and productive of unnecessary and improper delay. Mr. Pitt himself knew, he said, that no precedent was to be found of the suspension of the executive government, during the existence of an heir-apparent of full age and capacity. For his own part, he was convinced, upon the maturest consideration of the principles and practice of the constitution, and of the analogy of the common law of the land, that, whenever

the sovereign, from sickness, infirmity, or other incapacity, was unable to exercise the functions of his high office, the heir-apparent, being of full age and capacity, had as clear, as express a right to assume the reins of government, and exercise the power of sovereignty, during the continuance of such incapacity, as in the case of his Majesty's natural demise. Entertaining this opinion, Mr. Fox said, he thought it candid to avow it, at the very outset of the business. That the prince had not made this claim himself he imputed to his known moderation, and to the peculiar delicacy of his situation; but he thought that a strong reason, among others, for not wasting a moment unnecessarily, and for proceeding, with all becoming speed and diligence, to restore to the constitution the sovereign power, and the functions of the royal authority.

Mr. Pitt immediately rose to controvert this doctrine of right advanced by Mr. Fox, and observed that, whatever he might have generally thought of Mr. Fox, as to his penetration and discernment, as to his acquaintance with the laws and general history of the country, and as to his knowledge of the theory of the constitution, (however frequently he might have found occasion to differ from him in his application of it to practice) he defied all his inge-

nuity to support the doctrine which he had now advanced, upon any analogy of constitutional precedent, or to reconcile it to the spirit and genius of the constitution itself. That doctrine, of itself, supplied the strongest and most unanswerable reason that could possibly be assigned for the appointment of the committee. If a claim of right were intimated, even though not formally, on the part of the Prince of Wales, to assume the government of the country, it became a matter of the utmost consequence to ascertain, from precedent and history, whether there was any foundation for such a claim, which, being admitted, would preclude the House from the possibility of all deliberation on the subject. In the mean time, he maintained that it would appear, from every precedent, and from every page of our history, that the assertion of such a right in the Prince of Wales, or in any one else, was little less than treason to the constitution of the country. He would not then enter into a discussion of the principle, but would pledge himself to this point—that, in the case of the interruption of the personal exercise of the royal authority, without the existence of any lawful provision, previously made for carrying on the government, it belonged to the other branches of the legislature, on the part of the nation at large, whom they represented to

provide, according to their discretion, for the temporary exercise of the royal authority, in the name and on the behalf, of the sovereign, in such manner as they should deem requisite; and that, unless by their decision, the Prince of Wales had no right (speaking of strict right) to assume the government, more than any other individual subject of the country. What Parliament ought to determine on that subject, was a question of discretion. However strong the arguments might be in favour of the Prince of Wales, it did not affect the question of right; because neither the whole, nor any part, of the royal authority, could belong to him, in the present circumstances, unless conferred by the two houses of Parliament. He admitted that the claim of the Prince was entitled to the most serious consideration, and thence he inferred the necessity of inquiring how the House had acted in cases of similar exigency, and what had been the opinion of Parliament on such occasions. He would not allow that no precedent analogous to an interruption of the personal exercise of the royal authority could be found;—although there might not exist a precedent of an heir-apparent in a state of majority, during such an occurrence, and, in that case, he contended, that it devolved on the remaining branches of the legislature, on the

part of the people of England, to exercise their discretion in providing a substitute.

From the mode in which Mr. Fox had treated the subject, Mr. Pitt said, a new question had arisen, of greater importance even than the original question, and forming matter of necessary deliberation. The question now was, the question of their own rights; and it was become a doubt, according to Mr. Fox's doctrine, whether they had, on this important occasion, a deliberative power. Though he waived the discussion of that momentous consideration for the present, Mr. Pitt declared, that he would, at a proper opportunity, state his reasons for advising what steps Parliament ought to take in the present critical situation of the country, contenting himself with giving his contradiction to Mr. Fox's bold assertion, and pledging himself to maintain the opposite ground against a doctrine so irreconcileable to the spirit and genius of the constitution.—He disclaimed all wish to create delay; and asserted that no longer time had been spent, after the first day of their meeting, than was absolutely necessary to insure as full an attendance as the solemnity of the occasion required;—every subsequent day had been spent in ascertaining the state of his Majesty's health, and now that the necessity of the case was proved, it be-

moved them to meet it on the surest grounds.—"Let them proceed, then," said Mr. Pitt, "to learn and ascertain their own rights; let every man in this House, and every man in the nation, who may hear any report of what has passed here to day, consider that on their future proceedings depend their own interests, and the interest and honour of a Sovereign, deservedly the idol of his people. Let the House, therefore, not rashly annihilate the authority of Parliament, in which the existence of the constitution is essentially involved."

Mr. Fox, in reply, remarked, that the sovereignty of these kingdoms being hereditary, and no Parliament existing which could legally alter the succession, nothing but a case of necessity, which did not then exist, could justify the two Houses in assuming to themselves the right of setting aside the heir apparent from the regency, or putting the executive power into his hands with any limitations, or restrictions, imposed by their own authority. Mr. Burke indulged himself in much sarcastic remark on Mr. Pitt, whom he represented as a competitor with the Prince for the regency, and as having threatened the assertors of the Prince's right with the penalties of constructive treason.—Mr. Pitt, conceiving that his declaration had been imputed merely to the warmth of

debate, cooly repeated his former assertion, and declared, that he was still ready to maintain, that it was little less than treason to the constitution to assert, that the Prince of Wales had a claim to the exercise of the sovereign power during the interruption of the personal authority of his Majesty, by infirmity, and in his lifetime; and to this asseveration should he adhere, because he considered such a claim as superseding the deliberative power and discretion of the two existing branches of the legislature.—And, when he had said that the Prince of Wales had no more right to urge such a claim than any other individual subject, he appealed to the House upon the decency with which Mr. Burke had charged him with standing forth as the competitor of his Royal Highness. At that period of our history, when our constitution was settled on the foundation on which it still stood, when Mr. Somers, and other great men, declared, that no person had a right to the crown, independent of the two Houses of Parliament, would it, he asked, have been thought either fair or decent for any member of either House to pronounce Mr. Somers a personal competitor with King William?

Here the conversation ended, and the committee was appointed, indiscriminately, from both sides of the House.—But the question

started by Mr. Fox had an important effect on the subsequent proceedings, and, in fact, defeated the very object for which it is supposed to have been brought forward, since it created a greater delay than could otherwise have occurred, and, probably, was the ultimate cause of preventing the establishment of a regency, before the recovery of the King. It was, indeed, a question of vital importance, which struck at the very root of the proceedings. If the right contended for by Mr. Fox had a real existence, it precluded, of course, the exercise of any discretion, on the part of the two Houses of Parliament, and left nothing for them to do but to ascertain the fact of the King's incapacity, and to communicate the same to the Prince.—It was, therefore, essentially necessary that, before any farther proceedings were had on the subject, the two Houses should fully discuss the question of right, and come to a solemn decision, as a regulator of their own conduct, on the present occasion, and as a guide to future legislators, under similar circumstances. If the right existed, an attempt of either House to impose restrictions on the person in whom it was legally vested, would be an act of usurpation; the right must carry the sovereignty with it, and the Prince would be, to all intents and purposes, King, during the incapa-

city of his father.—But if it did not exist, and the two Houses had the power of appointing the regent, they had also the power of imposing such restrictions as the peculiar nature of the case might seem to prescribe. They might consider whether a person, exercising the authority of a regent during the life of the King, should be entrusted with the same extensive powers which the constitution had wisely deemed necessary to be vested in the Sovereign; or whether it would be wise and expedient to confer only such portions of power as would be necessary for the good government of the country, during the *temporary* suspension of the exercise of sovereignty by the King himself. All the regulations to be enforced, must, of necessity, have reference to a *temporary* government; for, if no hope of the King's recovery were entertained, and it was the opinion of his physicians that his disorder would only end with his life, then all restrictions would be impolitic and unjust;—though, even then, the grand question of right would retain its whole importance, and call imperatively for decision.

On the following day, a similar committee was appointed in the Lords, on the motion of Earl Camden, (President of the Council) who took the opportunity of condemning the doc-

thing advanced by Mr. Fox, that, on the event of his Majesty's incapacity, the Prince of Wales had an immediate right to assume the exercise of the sovereign power, which he pronounced to be treasonable to the constitution; and his Lordship asserted, on the contrary, that the right and duty of supplying the existing deficiency in the sovereign power, belonged, solely and entirely, to the two remaining branches of the legislature. The assertion of Mr. Fox, however, was as strongly defended by Lord Loughborough, who insisted upon the practical absurdity of having an hereditary succession to the monarchy, and an elective regency; and he was supported in his argument by Lords Stormont and Porchester; while the asserted right was resisted by the Chancellor and Earl Stanhope. This glaring difference of opinion, on a point of so much importance, between the first lawyers in the kingdom, rendered it politically impossible to leave the question afloat, and to abstain from coming to a solemn adjudication on the subject.

It was not to be supposed that a man of Mr. Fox's political knowledge and importance, however he might have secretly censured himself for mooting the question, after the turn which it had taken, would either retract what

he had advanced, or abstain, when pressed, from the defence of his doctrine. When the report of the committee of precedents was brought up, on the 12th of December, and was moved, by Mr. Pitt, to be taken into consideration on the Thursday following, (December 16th) by a committee of the whole House, Mr. Fox rose to justify himself against certain misrepresentations to which he stated himself to have been subjected. He had been made to assert (alluding to Lord Camden's speech of the preceding day) that the Prince of Wales had a right to assume the royal authority, upon the interruption of its exercise, in consequence of the King's illness and incapacity: but he now explained his real meaning to have been, and he was still ready to maintain it, that the claim, as of right, was in the Prince, but that the adjudication of the possession was in the two Houses of Parliament.—Their right of election he positively denied, and he conceived there was a clear distinction between that and the right of adjudication. He attempted to illustrate this distinction by putting the case of contested returns of members, in which the right of adjudication belonged to the committee above stairs, but the right of the person declared duly returned to his seat in Parliament was derived from another authority,—the right

of election in his constituents. Mr. Fox, however, expressed his satisfaction at finding, that even they who denied the strict *right*, admitted that the Prince had an irresistible *claim* to the regency; and as they agreed in substance, he thought they ought, in prudence, to waive the discussion of new and equivocal distinctions. He then called on Mr. Pitt to explain the nature of the propositions which he meant to submit to the House, in respect to the regency; and declared it to be his own opinion, that the House ought, simply, to present a declaration, or address, to the Prince, stating the fact of his Majesty's present incapacity, and investing his royal highness, during its existence, with the full exercise of all the royal powers, in the same manner, and to the same extent, in which they would be possessed by his Majesty, and exercised by him, had his health enabled him to discharge the functions of sovereignty.

This declaration was perfectly consistent with Mr. Fox's opinion of the right of the Prince; and, indeed, the measure he recommended was the only measure which the House could, admitting the justice and validity of that opinion, pursue, without a gross violation of propriety and of duty. But Mr. Pitt was prepared to impeach the premises on which his rival founded his conclusions; and he, accord-

ingly, declared himself at issue with Mr. Fox, on the question as last stated by that gentleman,—namely, that the Prince of Wales had a right to exercise the royal authority, under the existing circumstances of the country; but that it was a right not in possession, until the Prince could exercise it on, what Mr. Fox called, the adjudication of Parliament. He, on his part, denied that the Prince of Wales had *any right whatever*; and that issue must, in his opinion, be decided, before they could proceed one step further in the great and important considerations to be discussed and determined. He inferred, from a part of Mr. Fox's speech, that he meant to contend, that the Prince had a right to assume the exercise of the sovereign authority, under such circumstances as those under which they then acted, even without the adjudication of Parliament; if it should happen that Parliament was not sitting at the time; in contradiction to which he advanced his own opinion, that the Prince of Wales could not, in any one case, have a right to assume the regal power. If there were no Parliament in existence, he granted that the heir-apparent, acting in concert with other persons in high situations, might, under such circumstances as the present, have issued writs, and convened the two Houses, for the purpose of providing for the

exigency. Such a proceeding would be justified by the necessity of the case, and with a view to the safety of the nation, which superseded all forms; but, that it would be a legal and formal summons of the Parliament, or that a Parliament could be called together without legal authority, he must absolutely deny. Such a meeting would be a convention, like to that assembled at the time of the abdication of James the Second, and in other periods of difficulty; but it could not be a legal and formal calling together of a Parliament. As to the question of the assumption of the power, by the Prince of Wales, during the intermission of Parliament, and his right, not in possession, as it was called, during the sitting of Parliament, he need not much rest upon the distinction, denying, as he did, that any right to assume the regal authority, under any circumstances, independent of the consent and approbation of Parliament, existed in the Prince of Wales. But, supposing the right of assumption of royalty given up altogether, and that the Prince must have the right adjudged by Parliament, he denied that they were canvassing a right, and acting as judges, as Mr. Fox's sentiments so manifestly intimated. It was subversive of the principles of the constitution to admit, that the Prince of Wales might seat

himself on the throne, during the life-time of his father; and the intimation of the existence of such a right, as he had formerly remarked, presented a question of much greater importance than the present exigency, and the provision which it necessarily required;—a question which involved the principles of the constitution, the protection, and security, of our liberties, and the safety of the state.

As to what Mr. Fox called the right of adjudication, as vested in Parliament, the expression was accurate, as applied to one point; namely, the determination of the King's incapacity; which must be the consequence of previous examination; the course of proceeding, necessarily to be observed, in that case, would be, first, to hear witnesses as to the state of the King's health, and then, from their evidence, to form a judgment as to his capacity to exercise the supreme power. Their right to do this might, with propriety, be termed the right of adjudication; in other words, the right of determining whether the King was incapable or not. But there was no right of adjudication, according to Mr. Fox's argument, existing in the Parliament, in respect to the regency. Their address, or declaration, to the Prince, after they had *adjudged* the incapacity, would not be an act of discretion, but an act of duty,

consequently, a *ministerial*, and not a *judicial*, act. And here lay the grand difference between Mr. Pitt and Mr. Fox; the former contending that the conferring the regency on the prince was a judicial act, and the latter, that it was a ministerial act.

Mr. Pitt, considering this as a question of primary importance, expressed his hope that it would be the unanimous opinion of the House, that the *right* which had been asserted should not be admitted without being fully discussed, and formally decided. It was a question which shook the foundation of the constitution, and, upon the decision of which, all that was dear to us as Britons depended. In his opinion, therefore, it was their first duty to decide, whether there was any right in the Prince of Wales to claim the exercise of the regal power, under any circumstances of the country, independent of the actual demise of the crown. In the discussion of the powers with which the regent was to be invested, there might be differences of opinion, whether the whole of the royal authority should be delegated on the ground of expediency; or, whether a portion of it only should be delegated, and a part reserved, on the grounds of prudence and discretion. These were important topics which the House could not discuss, unless they first knew whether they

were sitting as judges, or as a House of Parliament, possessing a power of deliberation, and capable of exercising a constitutional discretion. They must first ascertain, whether that which should be vested in the hands of the Prince of Wales was matter of adjudication on their part, of right in his royal highness, or as a trust in behalf, and in the name, of his Majesty; and, therefore, he should think it his duty to bring forward the question of right, as a preliminary question. If that question should be decided in the affirmative, there would be no need of specific measures. Should it, however, be otherwise decided, the way would be cleared, and the house would know how to proceed. He had, indeed, mentioned the alternative, but Heaven forbid that the fatal alternative should be decided in favour of the intimated right of the Prince of Wales.

In answer to the call of Mr. Fox to state his intended measures of regulation, Mr. Pitt said, that if the question of right should be decided, as he thought it would, on constitutional principles, he should, in that case, certainly proceed to propose measures for providing for the interruption of the royal authority, occasioned by his Majesty's present incapacity to exercise it, and he would state the outline, without feeling any prejudice against the person

who had called for it; but he begged to have it understood, that what he was about to state was not to be a matter of debate at that moment, nor were any arguments then to be raised upon it. Mr. Pitt proceeded to declare, that, however decided his opinion might be against the whole, or any part, of the royal power being vested in the Prince of Wales, as a matter of right, in any way in which that right had been explained, he was equally ready to say, that, as a matter of discretion, and on the ground of expediency, it was, in his opinion, highly desirable, that whatever part of the regal power it was necessary should be exercised at all, during this unhappy interval, should be vested in a single person, and that this person should be the Prince of Wales. That he also thought it most consistent with true constitutional principles, and most for the public convenience, that his royal highness should exercise that portion of authority, whatever it might be, unfettered by any permanent council, and with the free choice of his political servants. As to the portion of authority so to be vested, he could only declare, in general, that whatever authority was necessary for carrying on the public business with vigour and dispatch, and for providing, during this interval, for the safety and interests of the country,

ought to be given; but, on the other hand, any authority, not necessary for these purposes, and capable of being, by possibility, employed in any way which might tend to embarrass the exercise of the King's lawful authority, when he should be able to resume it into his own hands, ought to be withholden; because, from its being given, more inconvenience might arise to the future interests both of the people and of the crown, than any which could arise, in the mean time, from its temporary suspension.

Mr. Pitt justified the principles of this explicit declaration of his intention, on the ground, that whatever was given to the regent, or withholden, ought to be given, or withholden, with a view to the moment when his Majesty should be capable of resuming his rightful prerogatives; a circumstance to which it peculiarly became him to look, in the situation in which he stood, honoured with the confidence of a Sovereign, to whom he was bound, and strongly attached, by the ties of gratitude and duty;—but of that he would say no more. Whatever judgment might be formed of what he had declared, he was conscious of having given a free and an honest opinion, and he was satisfied with that consciousness.

It is evident, from some parts of this declaration, that fears had been entertained by the

Prince's party, that a council of regency might be proposed, as on former occasions, at different periods of our history. They could not, therefore, but derive satisfaction from this explicit avowal of Mr. Pitt, that he had no such intention; while, on the other hand, they were greatly displeased with his resolution to sift the question of right to the very bottom, and to suggest restrictions which might defeat the ambitious hopes, and avaricious expectations of some among them. But, though Mr. Pitt was accused, on this occasion, of being actuated solely by a wish to create a delay, and to protract the important subject of discussion to the latest possible moment, from an eagerness to retain the power which he possessed;—it is most certain, that every such unworthy motive was foreign from his heart. He was deeply impressed with a conviction of the importance of the question of right, and he felt it to be his duty to bring it to a solemn decision. It was, indeed, indispensably necessary, for reasons already stated, that it should be so decided before a single step was taken, beyond the examination of the physicians. Besides, it must not be forgotten, that the question was not brought forward, nor even provoked, by Mr. Pitt, but that it was the spontaneous production of Mr Fox. The delay, then, which it occasioned,

all important and beneficial as it proved in its effect, was solely imputable to the latter, and cannot, in any degree, without the most palpable violation of justice and of truth, be ascribed to the former. The opposition, however, who deplored the indiscreet frankness of their leader, resolved, if possible, to prevent a discussion which, they were fully sensible, must, independent of the delay, prove a source of mortification to themselves. They found means to persuade several members of the royal family to concur in their sentiments, and to join in their design. For this purpose, then, earl Fitzwilliam introduced the subject to the House of Lords, on the fifteenth of December, the day preceding that which Mr. Pitt had fixed for the important debate in the House of Commons; and his lordship, no doubt, expected, that if he could dissuade the Lords from entertaining the question, it might prove the means of preventing that debate. The earl represented the inexpediency of promoting, under the present circumstances, the discussion of any abstract political questions, when all parties were agreed in substance; and he called upon the ministers to say, whether they meant to introduce any proposition of that nature. But the propriety of calling that an *abstract* question, which was immediately to be applied to prac-

tical purposes, and which must of necessity be the basis of all the proceedings on the business of the regency, is not very discernible. Earl Camden said, on the part of the ministers, that, as the most essential rights of the two Houses of Parliament had been questioned by persons of great and respectable authority, he thought it had become absolutely necessary that they should not be left doubtful and unsettled.

The Duke of York then expressed his full concurrence with the sentiments of Earl Fitzwilliam, and joined his lordship in deprecating the proposed discussion. He asserted, as a fact, that no such claim of right had been made on the part of the Prince; but he studiously forbore to say that the Prince disclaimed the existence of such a right. His Royal Highness added, that he was confident the Prince understood too well the sacred principles which seated the House of Brunswick on the Throne of Great Britain, ever to assume, or exercise, any power, be his claim what it might, not derived from *the will of the people*, expressed by their Representatives and their Lordships, in parliament assembled. The Prince could have no claim but what was derived from the laws of the realm—nor could he exercise any power which did not flow from the same source; and the laws do not proceed from *the will of the people*, but are made by

the King, with the advice and consent of the two Houses of Parliament, who are the King's great councils, and the legal representatives of the people. The existence of a right, in such cases, imposes the duty of exercising it;—and if the Prince were convinced, that the right claimed for him by Mr. Fox did really exist, and there can be no doubt that he did, it would have been as much his duty to exercise it, the moment the King's incapacity had been declared by Parliament (that is, if Parliament had not called its existence in question,) as it would have been the duty of Parliament to call upon him for that purpose. The Duke appealed strongly to the House, on the ground that the discussions could not be necessary to the present object, and would be extremely painful to the feelings of the Royal Family. The Duke of Gloucester urged the same reasons; deprecated the discussion as only tending to produce the most mischievous consequences—and asserted, that a perseverance in it could not be meant for the public good. The ministers, however, foreseeing none of those mischievous consequences, and feeling a strong sense of duty, rejected these solicitations, and remained firm to their purpose.

Mr. Pitt, accordingly, on the appointed day, (Dec. 16,) opened his propositions to the

House of Commons. As it is of essential consequence to know the sentiments of so eminent a statesman, upon a question which had never yet arisen, and which Parliament were now called upon to decide, for the first time, and as that decision must be considered as a guide to posterity, on a similar exigence, should ever any such, which Heaven avert, arise, they will be detailed at considerable length. Indeed, this may be considered as an epoch in the parliamentary life of Mr. Pitt: he had a difficult and a delicate task to perform,—and he performed it, as he did every other duty which his public character imposed upon him,—with frankness and with firmness—without fear, and without disguise. He first premised, that the House were then in a committee to take into consideration the state of the nation, under circumstances the most calamitous which had befallen the country at any period; a century had passed since any point of equal importance had engaged their attention. The circumstance which had then occurred was the revolution—between which, however, and the present case, there is a great and essential difference.—At that time the two Houses had to provide a Sovereign for a Throne, which was then vacant by the abdication of James the Second; at present, they had to provide for the exercise of the Royal

Authority, when his Majesty's political capacity was whole and entire, and the Throne, consequently, full; although, in fact, all the various functions of the executive government were suspended, but which suspension, they had every reason to expect, would only be temporary. There could be but one sentiment on that head; which was, that the most sanguine of his Majesty's physicians could not effect a cure more speedily than it was the anxious wish of every man in that House, and of every description of his Majesty's subjects, that it might be effected; and that his Majesty might thence be enabled to resume the exercise of his own authority. During the temporary continuance, however, of his Majesty's malady, it was their indispensable duty to provide for the deficiency in the legislature, in order that a due regard might be had to the safety of the crown, and to the interests of the people. The first report before the committee established the melancholy fact, which had rendered their deliberation necessary; the second contained a collection of such precedents, selected from the history of former times, as were, in any degree, analogous to the present unfortunate situation of the country; and, although he could not undertake to say, that still more precedents might not have been found, yet, such as the report contained would serve to throw a consi-

derable degree of light on the subject, and to point out to the House the mode of proceeding mos tproper to be adopted.

Notwithstanding the magnitude of the question, What provisions ought to be made for supplying the deficiency? there was a question of a greater and still more important nature, which must be first discussed and decided, as a preliminary to their future transactions, with a view to the present exigency. This question was—whether any person had a right either to assume or to claim the exercise of the royal authority, during the infirmity and incapacity of the sovereign? or, whether it was the right of the Lords and Commons of England to provide for the deficiency in the legislature, resulting from such incapacity? Mr. Pitt referred to his statement on a former day, that, in consequence of an assertion having been made in that House, that a right attached to his Royal Highness the Prince of Wales, as heir apparent, to exercise sovereign authority, as soon as the two Houses of Parliament declared his Majesty, from illness and indisposition, incapable of exercising his royal functions, it appeared to him to be absolutely and indispensably necessary that the question of right should be first decided by the committee, before they took a single step to provide for

the deficiency in the legislative power of the realm. By the assertion of the existence of such a right, no matter whether a right that could be assumed in the first instance, or a right which attached, after the declaration of both Houses of Parliament, that his Majesty was incapable, a doubt had been thrown upon the existence of what he had ever considered as the most sacred and important rights of the two Houses; and it became absolutely necessary for them to decide that doubt, and, by such decision, to ascertain whether they had a power to deliberate, or whether they had only to adjudge, that such a right as had been mentioned was legally vested in his Royal Highness the Prince of Wales. The most embarrassing difficulties had, indeed, been thrown upon their proceedings by the assertion that such a claim existed; and, although he was free to confess, that the assertion had not been made from any authority, and that they had since heard, though not in that House, that it was not intended that the claim should be made, yet, having been once stated, by a very respectable member of that House, as his opinion, it was an opinion of too much importance to be passed by unnoticed. He would intreat the House to remember, however, that *he* had not stirred the question of right

originally. If, therefore, any serious danger were actually to be dreaded from its discussion and decision, that danger, and its consequences, were solely imputable to the first agitator of the question, and not to him. Had the doubt never been raised, an express declaration on the subject would not have been necessary; but, as the matter stood, such a declaration must be made one way or the other. He begged, however, that it might not be imputed to him, that he was desirous of wasting time by bringing forward any abstract, or speculative, or theoretical question. An abstract question, in his conception of it, was a question wholly unnecessary, the discussion of which could answer no end, and the decision on which could afford no light to guide and assist them in their proceedings. Of a very different nature was the question of right; it was a question that stood in the way of all subsequent proceedings, the resolving of which must necessarily decide the whole of their conduct, with regard to the present important business.—They were not free to deliberate and determine, while the doubt of an existing right, or claim, hung over their heads. They could not speak intelligibly, or to any purpose, until they knew their proper characters, and whether they were exercising their own rights for the safety of the

Crown, and the interests of the people, or whether they were usurping that which had never belonged to them. On that ground it was that he had declared the question of right not to be an abstract question, a speculative question, or a theoretical question.

The first information afforded by the papers which had been referred to by the committee, was that which he proposed to make the subject of the first resolution. It was a resolution of fact, forming the ground-work of those which he proposed to follow it, stating merely the incapacity of the King to discharge the functions of royalty. To this, he conceived, there could be no objection. His next resolution would be the resolution of right, couched partly in the words of the Bill of Rights, and stating, "That it was the right and duty of the Lords, Spiritual and Temporal, and of the House of Commons, as the rightful representatives of all the estates of the people of England, to provide for the deficiency in the legislature, by the interruption of the exercise of the royal authority, in consequence of his Majesty's incapacity through indisposition." Having thus stated the substance of that resolution, on which a radical difference of opinion was known to prevail, Mr. Pitt declared that, under the existing circumstances of the coun-

try, it was his firm and unalterable opinion, that it was the absolute and undeniable right of the two Houses, on the part of the people, to provide for the revival of the third branch of the legislature. He would state the point at issue, between him and Mr. Fox, fairly;—he would not take advantage of any shades of difference between them, but would argue upon the solid and substantial difference of their opinions. If he had conceived Mr. Fox properly, he had asserted that, in his opinion, the Prince of Wales, as heir apparent, upon the incapacity of the Sovereign to exercise the royal authority being declared, had as clear, as perfect, and as indisputable a right to take upon himself the full exercise of all the authority and prerogatives of his father, as if his Majesty had undergone an actual demise. If it could be proved to exist by any precedents drawn from history, or founded in law, or by the analogy of the constitution, he wished to have been told what those precedents were, because, in that case, the ground would be narrowed, and the proceedings of the committee rendered short and simple, as they would have no power nor occasion to deliberate; the only step they could take would be to recognize the claim of right. That claim of right, however, he flatly denied to have any existence capable of being

sustained by such proof as he had mentioned. The right of providing for the deficiency of the royal authority, he contended, rested with the two remaining branches of the legislature. He professed himself extremely happy to hear that a declaration had been made, in another place, from high authority, (alluding to the Duke of York's speech, on the preceding day) that the right stated, by Mr. Fox, to have existence, was not meant to be urged by a great personage. He came that day, confirmed in every opinion which he had before avowed, and particularly so in the opinion that no such right, or claim, in the Prince of Wales, as heir apparent, to exercise the royal authority during the incapacity of the Sovereign, could be proved, either from precedents drawn from history, or from the law, or from the spirit of the constitution.

Mr. Pitt reminded the committee that Mr. Fox, when he first mentioned the right of the Prince of Wales in this particular, had declared that he was willing to waive the motion for a committee to search for precedents, because that he was persuaded, and that the House must allow, that no precedent could be found which bore upon the particular case of a Prince of Wales, the heir apparent of the Crown, being of full age, and capable of taking upon himself the exercise of the royal

authority, under such circumstances as the present. There certainly was no case precisely in point, but yet the committee of precedents had furnished the House with many from which analogies might be drawn. He called upon Mr. Fox to point out a single case, analogous to the infancy, infirmity, or illness, of a sovereign, in which the full powers of sovereignty were exercised by any one person whatever. If the right attached to the Prince, under the present circumstances, in the same manner as on the demise of his father, an heir presumptive would succeed as perfectly as an heir apparent, and, in pursuance of that doctrine, these precedents which would attach in the one case, would attach in the other. For precedents that were analogous, he would refer the committee to the report on their table, where precedents would be found, which, though they might not throw all the light upon the subject that could be wished, certainly tended to elucidate it considerably. He would refer to some of the precedents, and convince the House that their result formed the most undeniable proof of the non-existence of the pretended right.

The first precedent to which he referred, was taken from the reign of Edward the Third, when no heir apparent had claimed the exercise of the royal authority. The Parliament of

those days, whether wisely or not was no question before the committee, provided a council about the King's person to act for him;—a clear proof that they conceived the power existed with them to provide for the exercise of the sovereign authority.—The next precedent was in the reign of Richard the Second, when, also, counsellors were appointed to exercise the regal power.—The third precedent occurred in the infancy of Henry the Sixth: at that time the Parliament were called together, by the young King's second uncle, the first being still living, but out of the kingdom; and that act was ratified by Parliament, they not considering it sufficient to have been done by the authority of the Duke.—In that instance, again, it was clear that the regency was carried on by the Parliament. These three instances were the principal of those which were stated in the report of the committee;—subsequent precedents would prove, that no one instance could be found of any person's having exercised the royal authority, during the infancy of a King, but by the grant of the two Houses of Parliament, excepting only where a previous provision had been made. Having thus far noticed the power of Parliament, during the infancy, he next stated their power during the King's absence.

It had been asserted that, in the majority of such cases, the power had been given to the Prince of Wales.—If such cases could be adduced, Mr. Pitt admitted they would be cases in point; but, then, to prove *what?*—To prove that such heirs apparent possessed no inherent right. If a right existed to represent the King, it must be a perfect, an entire, right; a right admitting of no modification whatever; because, if any thing short of the whole power were given, it would be less than by right could be claimed, and, consequently, an acknowledgment that no such right existed. By a reference to the ancient records it would be found, that the *custos regni*, or *lieutenant for the King*, had never been invested with the whole rights of the King himself. The powers given to the *custos regni* had been different, under different circumstances; whence arose a plain and manifest inference, that the *custodes regni* did not hold their situation as a right, but by appointment. The power of bestowing benefices, and doing other acts of sovereignty, had been occasionally given to the *custodes regni*, which shewed that their powers had been always subject to some limitation or other. In modern times, Lords Justices had been frequently appointed to the exercise of the sovereign

authority, during the residence of a Prince of age in the country. Another instance he cited, in which the exercise of royalty had been interrupted by severe illness, and which appeared to him to be more a case in point than any other to the present melancholy moment;—this was the precedent of Henry the Sixth, where the heir apparent was not of full age. It would, then, to supply the defect of that precedent, be necessary to have recourse to the principles of the constitution, and to the laws of the land; and, upon this ground, it would be discovered, that the Parliament of that day provided for the moment; that they were not content with such provision only, but that they looked forward to the time when the heir apparent should be of full age, granting him a reversionary patent, the same precisely with the regents, to take place at that period. Thus, though they provided for allowing him, when of age, more considerable powers than they had suffered him before to possess, they had still not granted him the full powers of sovereignty, but had made such limitations as proved their most positive denial of any right existing. That instance, though a single one, and where the heir apparent was not of age, was sufficient to shew the sense of Parliament in those days, as

much as if the heir apparent had been of full age.

If no precedent, contrary to these, could be brought forward, Mr. Pitt presumed, that the committee would, of course, admit that no right existed in an heir apparent, or an heir presumptive, to assume the functions of Royalty, in the temporary incapacity of the Sovereign, nor any rights but those delegated by the two remaining branches of the legislature. He scrupled not, therefore, to declare, that no positive law, nor the least analogy from any law, could be adduced to support the doctrine of right. A record had, indeed, been quoted elsewhere, to prove that the King and heir apparent were one and the same person,* and that

* Mr. Pitt here alluded to a dictum of Lord Loughborough, delivered in a speech in the House of Lords, on Thursday, December 11th, during a debate on the question of appointing a committee to search for precedents.—His Lordship then said, "That the Prince of Wales, however, stood "in a different situation to every other individual, according "to the constitution of this country, he would undertake, "as a lawyer, to prove. Those who had read Coke, Foster, "and Blackstone, knew that the Prince of Wales and the "Crown, in many cases, were considered as one: the Prince "of Wales, for instance, could proceed in an action, and "obtain judgment as King;—it was high treason to suppose "the death of the heir apparent,—was it so with any other "person?

it followed, of course, that, on the incapacity of the King, the heir apparent had a legal and

" There was a principle so closely connected with every " idea which he had ever entertained of the constitution of " the country, that he could not separate them for a moment; " that was, that the law had been so provident as to point " out, in every possible case, except two, where the Kingly " power was vested. The cases in which it did not point it " out was, when the Sovereign broke the *original contract* " between the King and people, invaded and overthrew the " constitution, and thus abdicated the throne; and where " the royal line became entirely extinct. In these cases, " the two Houses of Parliament had a right to supply the " deficiency. In all other cases, the law, either expressly, " or by the *clearest analogy*, pointed out the successor."— *History of the Regency, p.* 38.

So *clear* was this analogy of the law, that the first lawyers in the kingdom not only differed in opinion respecting it, but drew the most opposite and contradictory inferences from it. Lord Loughborough was certainly an able lawyer, but his political zeal was sometimes allowed to pervert his legal judgment. If it had been objected to his Lordship, in the present instance, that the two Houses had as much right to elect a regent, as to place the Stadtholder of Holland upon the Throne of England, it is apprehended he would have found some difficulty in confuting the objection. On the alleged occasional *identity* of the King and the Prince of Wales, Lord Thurlow pertinently asked, " Would their Lordships take a metaphy- " sical expression, and force a literal meaning upon it? His " Royal Highness, the Prince, most certainly, was peculiarly " distinguished, by his rank, and birth, and dignities;—it " ought, however, to be recollected, that he was, neverthe- " less, *a subject!*"

clear right immediately to exercise the same powers which the King had possessed; but a different opinion was entertained of that record, by persons of great eminence and authority in the law, and, by their opinion, a far different conclusion was drawn from the same instrument, the metaphorical expression of which was not to be taken literally. Another opinion, which had been started,* was, that, if Parliament had not been sitting, in such a case the Prince would have a right to assume the royal authority, and summon Parliament. But this position he should expressly contradict, because those who were, like him, standing up for the rights of Parliament, and, through Parliament, for the rights of the people, were peculiarly fortunate in one particular;—they were as fortunate as most of those who had truth and justice on their side generally were, because little was left them to do, except to controvert and overcome their antagonists, by stating to them, and comparing their own arguments and assertions, made at different times, and as the occasion suited.

Mr. Pitt, still alluding to lord Loughborough's speech, observed, that it had been pretty strenuously contended, elsewhere, by a

* By Lord Loughborough in the same debate.

learned magistrate, who had chosen to force his own construction on their silence, that our ancestors, if they had entertained any doubt of the right of an heir-apparent, would, in their wisdom, have provided for so possible a case as the present; and yet, instead of leaving the interpretation of this point to that learned lord's wisdom, it must be concluded by the committee, that they would have provided for it, in plain, distinct, clear, and express words, and would not have left it liable to be differently understood. The wisdom of our ancestors, however, he conceived, was better proved by their having said nothing upon it, but left such a question to be decided where it ought to be decided, whenever the occasion required it—by the two houses of Parliament. That the committee might assert the same, he meant to quote that doctrine from the bill of rights, and assert, that it rested with the Lords and Commons, as the rightful representatives of the people. If the contrary doctrine was so evident that it must be true; if the heir-apparent, or the heir-presumptive, had a clear right to assume the royal prerogative, on the interruption of those powers, he desired to ask every gentleman of the committee, whether they would wish to adopt such a doctrine as a doctrine applicable to the safety of the crown,

which had been long gloriously worn by his Majesty, and which it was the ardent, the sincere, wish of his people, that he might long continue to wear, until it should, in due time, and in a natural manner, descend to his legal and his illustrious successor? Mr. Pitt strongly deprecated the idea of avoiding the discussion of what limitations might be necessary for insuring the safety of the crown, on the head of its present possessor, on account of the many virtuous qualifications of the Prince, or out of respect to any other motive whatsoever. It would not have been wisdom in our ancestors, had they said that the care of the person of the Sovereign ought to be vested in the heir-apparent. "I cannot possibly apprehend," said Mr. Pitt, "that, in expressing these sentiments, I "shall be represented to the Prince, as undutiful or disrespectful. But, were I even sure "that I should be so represented, I feel that "within which prompts me to do what is "right; and I will sacrifice every personal consideration to my zeal and attachment to my "Sovereign, and my duty to the public."

Mr. Fox had said, on a former day, that the Prince had as clear a right to the exercise of the Sovereign authority, as he would have had in case of the natural demise of the Sovereign, and that he conceived the present to be

a *civil death.* Could the committee, Mr. Pitt asked, so consider his Majesty's indisposition, which was not an uncommon case, and generally but temporary,—could they conceive that his Majesty had undergone a *civil death?* He was sure they would not. If such a thing existed, at that moment, as a *civil death,* the Prince would immediately ascend the throne, with the full exercise of the royal prerogative, and not as a regent; for a *civil death,* like a natural death, was permanent. He quoted Blackstone's definition of a civil death, to shew that there were but two cases in which it could occur;—namely, by banishment from the realm by process of common law, and by entering into a religious order, and becoming a monk professed, by which a man abstracted himself for ever from all secular concerns. The first was an act which cut off a criminal from society, within the realm, and the other was the voluntary act of retiring from the world. Would any man pretend, that either of these cases was analogous to the visitation of Heaven, to a stroke inflicted by the hand of Providence, which might, and probably would, prove temporary? Could it be pretended, that they ought to be adduced as acts to prevent his Majesty, in future, from exercising those powers which

he had never forfeited, which he had never renounced?

Having advanced thus much to prove the non-existence in the Prince of that claim of right which had been so confidently asserted, he next proceeded to examine where the right did exist. If no provision in precedent, in history, or in law, was to be found for the exercise of such authority, on the disability of the Sovereign, where was it to be found? It was to be found in the voice, in the sense of the people. With them it rested: and though, in extraordinary cases, in most countries, such an event as the calamity which all deplored would have gone near to dissolve the constitution itself, yet, in this more happily tempered form of government, equally participating the advantages, and at the same time avoiding the evils of a democracy, an oligarchy, and an aristocracy, it would have no such effect; for, though the third estate of the legislature might be deficient, yet the organs of speech of the people remained entire in their representatives, by the Houses of Lords and Commons, through which the sense of the people might be taken. The Lords and the Commons represented the whole estates of the people, and with them it rested as a right, a constitutional and legal right, to provide for the deficiency of the third

branch of the legislature, whenever such deficiency should arise; they were the legal organs of speech for the peop'e;—and such Mr. Pitt conceived to be the true doctrine of the constitution. He could not state these as his own opinions merely, but he could state them to be the opinions of those who had framed the revolution, who had not, like the committee, to provide for the interruption of regal powers, while the throne was full, but to supply the deficiency of the third branch of the legislature, which was wholly vacant. Whenever the third branch, however, of the legislature was wholly gone, or but suffered a suspension, it was equally necessary to resort to the organs of the people's speech. Agreeably to the laws of the land, to the records of Parliament, to precedent, and to the constitution, the political capacity of the King, except in cases of absolute forfeiture of the crown, was always considered as legally entire; and, during that political capacity, according to the spirit of the constitution, if any natural incapacity should cause a suspension of the royal authority, it then rested with the remaining branches of the legislature to supply such defect. In every proceeding of the Parliament, in the reign of Henry the Sixth, they had acted upon such a power, and declared in what manner, and by whom, the

royal authority was to be exercised for, and in the name of, the King. In that reign, the Duke of Gloucester claimed the regency, and applied to Parliament for the same as his right; but the answer of Parliament to such claim was, that he neither had by birth, nor by the will of his brother, any right whatever to the exercise of the royal authority. They, however, appointed him regent, and entrusted him with the care of the young King. Here was an instance of the claim of right having been actually made, and an instance, likewise, of its having been fully decided upon by the Parliament of that day, who declared, that no such right existed, either from the law of the land, or from precedent.—The rights of Parliament were congenial with the constitution.

Mr. Pitt contended that, from every analogy which could be drawn from the principles of the constitution, it would be found that the only right existed in Parliament;—a right capable of so effectually providing for the deficiency of the third branch of the legislature as to enable them to appoint a power to give a sanction to their proceedings, in the same manner as if the King were present. As the power of filling the Throne rested with the people at the revolution, so at the present moment, on the same principles of liberty, on the

same rights of Parliament, did the providing for the deficiency rest with the people! He declared that he felt himself inadequate to the great task of stating the rights and privileges of the constitution, and of Parliament; but he had made it appear, as plainly as he could, that no right existed any where to exercise the whole, or any part, of the royal prerogatives, during the indisposition of the sovereign. He had also proved that, from the necessity of the case, it rested with that and the other House of Parliament, to provide for the deficiency in the legislature. He supposed that doubts might be urged as to the propriety of coming to any decision on the question, and that he might be charged with having stirred notions dangerous to the state; but such questions, he begged it to be remembered, he had not stirred.—When questions concerning the rights of the people, the rights of the Parliament, and the interests of the nation, were started, it was necessary if the House had a right on the subject, to exercise that right; it was their duty; it was a matter that could by no means be lightly given up. If it were their duty, in the present calamitous state of the nation, to grant power, they ought to know how they granted such power. They must decide, either in the manner of a choice, or, as acting judicially, to recognize

a claim of right; and if they recognize such claim, it would be an acknowledgement that they had no power to deliberate on the subject. If they did not come to some decision, they would confound their own proceedings, and it would be highly dangerous to posterity, in point of precedent. They were not, therefore, to consult their own convenience. Originally, the claim of right had been asserted by Mr. Fox, in strong and lofty terms, but the tone had been since somewhat lowered. He declared, he could see no possibility of the committee proceeding a single step farther, without knowing on what kind of ground they stood; and, therefore, it became indispensably necessary to have the question of right decided. The danger arose from having stirred the question, and not from deciding it;—the danger, indeed, would be done away by the decision; whereas it would be highly dangerous to leave it undecided and equivocal. The decision of both houses would be productive of no dissention, but, if the right of Parliament were not confirmed, the measures of both Houses would be imputed, he feared, rather to motives of personal interest and convenience, than to a due regard for the interest of the country. The measures which he meant to propose were dictated by no other motive than an anxious desire, in conformity to his duty, to provide

for the safety of the King, the rights of Parliament, and the interests of the people.

Towards the conclusion of his speech, Mr. Pitt again animadverted on some opinions which had been advanced in the House of Lords, (by Lord Loughborough and Lord Rawdon,) in contradiction to his assertion, that the Prince of Wales had no more right to assume the regency than any other individual subject. He understood that, in arguing that matter, some very extraordinary modes of reasoning had been resorted to. Among other conceived proofs that the rights of the Prince of Wales were different from those of other subjects, it had been contended, that the Prince of Wales was, in an old record quoted by Lord Coke, pronounced one and the same with the King. The fact certainly was so; but to draw from such circumstance an argument, that the Prince had a right to exercise the royal authority, under the present circumstances of his majesty's unfortunate incapacity, was an inference so monstrous, that he should think he deserved censure for sporting with the gravity of the House if he suffered himself to treat it with the least gravity whatsoever. In truth, a very different conclusion might be drawn from the whole of that record, the metaphorical language of which was not to be taken in a literal sense, in that or any other point of so much importance.

Another position, laid down at the same time, and in the same place, was, that the Prince of Wales, as heir apparent, and being of full age, could assume the exercise of the sovereign authority, if his majesty's infirmity had occurred when Parliament was not sitting; but that doctrine had been so expressly contradicted in that house, by Mr Fox, when the subject was last agitated, that it was needless for him to say a syllable more relative to its nature. A third argument, urged in support of the Prince's right, was, that a Prince of Wales, when he came to the crown, could sue out an execution, as King, in a cause in which he had obtained a judgment as Prince of Wales. But what was there decidedly conclusive in this position? The reason for the Prince of Wales having this advantage over other subjects was obvious. If the son of a Peer, who had maintained a suit in the courts in Westminster Hall, and obtained a judgment, succeeded to his father's honours before he had issued out an execution, he could not sue out an execution, without previously identifying himself, and satisfying the court that he was the same person who had prosecuted the suit and obtained the judgment And why was not the Prince of Wales obliged to do the same? For this plain reason;—the courts in Westminster Hall are holden in the name of the King, and therefore, in his own

courts, it must be a matter of notoriety, that, on the demise of the crown, the Prince of Wales had succeeded to it, and become King. But were these arguments even multiplied ten times over, what did they prove? Merely that the Prince had rights of some sort or other peculiar to himself; but did they prove that he had a right to exercise the sovereign authority, on his father's incapacity, without the consent and declared approbation of the two remaining branches of the legislature? No more than a proof that a man having an estate in Middlesex, was a proof that he had another in Cornwall, and a third in Yorkshire. In fact, all these arguments put together, regarded and considered with a reference to the point in dispute, whether the Prince of Wales, as heir apparent, had a right to exercise the sovereign authority, during the incapacity of his Majesty, were so irrelevant, so foreign to the question, and so perfectly absurd, that they were not to be relied on as law, even if they came from the mouth of a judge.

Mr. Pitt closed a most eloquent and argumentative speech with reminding the House, that if they had a right, they had also a duty; —a duty which neither their allegiance nor their affection to their Sovereign would allow them to waive. It was their duty, at this time,

not only unequivocally to declare their right, so that it might remain ascertained, beyond the possibility of all question hereafter, and become secured to posterity, but to proceed, without delay, to exercise their right, and provide the means of supplying the defect of the personal exercise of the royal authority, arising from his Majesty's indisposition. Upon no account did it appear probable, that their decision could either occasion a dissention between the two Houses of Parliament, or produce mischievous consequences of any kind whatsoever. On the contrary, if the right were not declared, as well as decided, it would appear, that the two Houses had made a compromise unbecoming themselves, and had acted upon personal motives, rather than from a due regard to the interests of their country. He then read the following resolutions:

First. "That it is the opinion of this committee, that his Majesty is prevented, by his present indisposition, from coming to his Parliament, and from attending to public business, and that the personal exercise of the royal authority is thereby, for the present, interrupted.

Second. "That it is the opinion of this committee, that it is the right and duty of the Lords, spiritual and temporal, and Commons,

of Great Britain, now assembled, and lawfully, fully, and freely representing all the estates of the people of this realm, to provide the means of supplying the defect of the personal exercise of the royal authority, arising from his Majesty's said indisposition, in such manner as the exigency of the case may appear to require.

Resolved, "That for this purpose, and for maintaining entire the constitutional authority of the King, it is necessary that the said Lords, spiritual and temporal, and Commons, of Great Britain, should determine on the means whereby the royal assent may be given in Parliament, to such bills as may be passed by the two Houses of Parliament, respecting the exercise of the powers and authorities of the crown, in the name, and on the behalf, of the King, during the continuance of his Majesty's present indisposition."

The first resolution, merely declaratory of a matter of fact, passed, of course, without opposition or debate; but a long discussion ensued on the second, which was opened by Lord North, who moved, as an amendment, "that the chairman leave the chair, report progress, and ask leave to sit again." His lordship did not attempt to confute, or even to combat, the arguments of Mr. Pitt, on the question of right;—but contented himself with deprecating

the discussion; with denying the power of the two Houses, to proceed in the way proposed; and with insisting on the necessity of calling on the Prince of Wales, in the first instance, to take the regency upon himself. Sitting, as the House then was, he said, they had no more authority than a convention possessed. They ought, therefore, strictly to confine themselves to the necessity of the case, and not to go one step beyond it. The project for passing a bill he described as a direct violation of the fundamental principles of the constitution. What right had the House, or the two Houses, to make laws? To pass a bill was to do an act of legislation, and to assume powers that did not belong to them; powers which the constitution had placed in the hands of the King, Lords, and Commons, in Parliament assembled, and in their hands only. Their road, he said, was easy and short; they should proceed directly to nominate a regent, and then, when the third branch was restored, and the legislature was complete, they would become a Parliament, perfect in all its constitutional form, and they might legally pass any laws of limitation, restriction, or of any other kind. But to attempt to proceed otherwise was to trench on the prerogatives of the crown, while they lay at their mercy. They had a precedent, he

maintained, strictly in point; a precedent on which the stability of our happy constitution rested. At the revolution, the vacancy of the throne was declared, and the two Houses immediately restored the regal power, and so rendered the legislature complete.

The powers of Parliament were certainly very accurately described by Lord North;—or, to speak more properly, *their want of power to make laws.* That they have no such power is a fact that requires no argument to prove. The King alone can make laws, with the advice and consent of the two Houses of Parliament. But here, as at the revolution, they had only a choice of difficulties, and were to make the necessity of the case the rule of their conduct. The law had not foreseen the case of an *abdication*; nor had it specifically provided for the exercise of the Supreme power, during the temporary incapacity of the Sovereign. There was no *law*, therefore, to guide the Parliament in their proceedings. At the *revolution*, much greater irregularities, much wider departures, from the settled law of the realm, marked the conduct of the parties by whom it was effected, than those to which Mr. Pitt had recourse in the present instance. No maxim of law is so clear, that "none can begin, continue, or dissolve, the Parliament, but by the King's autho-

rity."* Yet, at the revolution, a meeting was called, possessing no legal character or denomination, which, in conjunction with a number of peers and bishops, addressed the Prince of Orange to assume the prerogative of the King, without his power, character, or title, and to summon a Parliament, or *convention*, as it was called. This *convention* passed a *bill*,† in which they settled the crown on the Prince and Princess of Orange. The sole administration to remain in the Prince, although it might have been truly said that the Prince of Orange had no more *right* to the throne of England, than any one of its numerous inhabitants. The Prince, now rendered King by this bill, gave to the assembly, which had hitherto been called a *convention*, the title of Parliament.‡ It is im-

* Coke upon Littleton. 110. a Co. 4. Inst. F. 6 and 28.

† Hume's History of England. Vol. 8. p. 319.

‡ An historian of the last century has made some pertinent and forcible observations on this curious measure of King William's cabinet.

"The first resolution taken in the new council was to convert the convention into a Parliament, that the new settlement might be strengthened by a legal sanction, which was now supposed to be wanting, as the assembly had not been convoked by the King's writ of summons.—The experiment of a new election was deemed too hazardous, therefore the council

possible to conceive greater deviations from the established principles, as well as from the settled practice, of the constitution, than were

determined that the King should, *by virtue of his own authority*, change the convention into a Parliament, by going to the House of Peers, with the usual state of a sovereign, and pronouncing a speech from the throne to both houses."

So that this convention, which was able to alter the line of succession, to transfer the crown from the legitimate heir to another Prince, to give, in short, a new sovereign to the people of England, was not considered, by some of its own leading members, by the very men even by whose advice it had been called, with a view to those high and special purposes, as capable of legally passing a common turnpike bill!—Into such gross inconsistencies and absurdities, are statesmen betrayed, when, either by choice or necessity, they are led to stray from the beaten path of the law; when they are induced to depart from the plain principles of the constitution!—The historian, in a note, subjoins the following animadverions on this transaction

" This expedient was attended with an insurmountable absurdity. If the majority of the convention could not grant a legal sanction to the establishment they had made, they could never invest the Prince of Orange with a just right to ascend the throne; for they could not give what they had no right to bestow; and if he ascended the throne without a just title, he could have no right to sanctify that assembly to which he owed his elevation. When the people are obliged, by tyranny or other accidents, to have recourse to the first principle of society, namely, their own preservation, in electing a new sovereign, it will deserve consideration, whether that choice is to be effected by the majority of a Parliament which has been dis-

manifested on this occasion. The two houses though not summoned by a King, and, consequently, not legally summoned, exercised the

solved," (and which, of course, is no more a Parliament than an assembly of individuals, taken, indiscriminately, out of the streets, but, both in law and in fact, a mere *caput mortuum*, without political life, power, or faculties, to do any one legal act) " or by any Parliament whatsoever, or by the body of the nation assembled in communities, corporations, by tribes, or centuries, to signify their assent or dissent, with respect to the person proposed as their Sovereign. This kind of election might be attended with great inconvenience and difficulty, but these cannot possibly be avoided when the constitution is dissolved, by setting aside the lineal succession to the throne. The constitution of England is founded on a Parliament, consisting of King, Lords, and Commons; but when there is no longer a King the Parliament is defective, and the constitution impaired; the members of the Lower House are the representatives of the people, expressly chosen to maintain the constitution in church and state, and *sworn to support the rights of the crown*, as well as the liberties of the nation; but, though they are elected to maintain, they have no power to alter, the constitution. When the King forfeits the allegiance of his subjects, and it becomes necessary to dethrone him, the power of so doing cannot possibly reside in the representatives who are chosen, under certain limitations, for the purposes of a legislature which no longer exists; their power is, of course, at an end, and they are reduced to a level with other individuals that constitute the community. The right of altering the constitution, therefore, or of deviating from the established practise of inheritance, in regard to the succession of the crown, is inherent in the body of the people, and every individual has an equal right to his share in the general determination, whe-

highest functions of a legislature, by giving a Sovereign to the people.—Their procee ıgs were justified by the necessity of the case,

ther his opinion be signified *vivâ voce*, or by a representative whom he appoints and instructs for that purpose. It may be suggested, that the Prince of Orange was raised to the throne without any convulsion, or any such difficulties and inconveniencies as we have affirmed to be the necessary consequences of a measure of that nature. To this remark we answer, that, since the revolution, these kingdoms have been divided and harassed by violent and implacable factions, that eagerly seek the destruction of each other: that they have been exposed to plots, conspiracies, insurrections, civil wars, and successive rebellions, which have not been defeated and quelled without vast effusion of blood, infinite mischief, calamity, and expense to the nation: that they are still subjected to all those alarms and dangers which are engendered by a disputed title to the throne, and the efforts of an artful pretender; that they are necessarily wedded to the affairs of the continent, and their interest sacrificed to foreign connections, from which they can never be disengaged. Perhaps all these calamities might have been prevented by the interposition of the Prince of Orange. King James, without forfeiting the crown, might have been laid under such restrictions that it would not have been in his power to tyrannize over his subjects, either in spirituals or temporals. The power of the militia might have been vested in the two Houses of Parliament, as well as the nomination of persons to fill the great offices of the church and state, and superintend the economy of the administration, in the application of the public money; a law might have passed for annual Parliaments, and the King might have been deprived of his power to convoke, adjourn, prorogue, and dissolve them at his pleasure. Had these measures been taken, the King

and by that alone. In the present melancholy in nce of the King's incapacity, it was not necessary to make such violent inroads on regu-

might have been absolutely disabled from employing either force or corruption in the prosecution of arbitrary designs, and the people must have been fairly represented in a rotation of Parliaments, where power and influence would have been but of one year's duration."

Smollet's Continuation of Hume's History, vol. 1, *p.* 7—9.

This note is not quoted from an approbation of all the notions and principles which it contains, many of which are open to considerable objections; but on account of the author's accuracy, in his ideas of the powers of the convention, which raised King William to the throne. And his arguments on that subject, it is apprehended, would puzzle the whigs, both ancient and modern, who, indeed, if they were consistent with their own principles, would be obliged to acknowledge their force. But every stage of the proceedings on the revolution was marked by an accumulation of absurdities. When the King, by his fiat, had converted the convention into a Parliament, a bill was brought in, and passed into a law, by which the Lords and Commons, assembled at Westminster, were declared to be the two Houses of Parliament, to all intents and purposes. Now, putting the positive law of the land out of the question, which says, that no Parliament can be legal which is not called together by the King's authority;—the very declaration itself proves the contrary of what it asserts; for, if they really were the two Houses of Parliament, there could be no need of a law to make, or to declare, them such;—and if they were not, the law itself could not be valid, for they had not that character which the constitution requires, to enable them to give their advice and consent to a law. "The

lar modes of conduct, and proceedings, in respect to the government. The Parliament had met in consequence of having been legally summoned by the lawful King, and the two

King is armed with divers councils, of which the court of Parliament is the highest and most transcendent, consisting of the King's most excellent Majesty, sitting there as supreme head, in his royal politic capacity, and of three estates, the Lords spiritual, the Lords temporal, and the Commons of the realm, the calling and assembling of which three estates is a part of the supreme power, or regal prerogative, inseparably annexed to the sacred person of the King, on whose royal pleasure, as the convoking, so the appointment of time and place for the holding of Parliaments, their prorogation, continuation, dissolution, do solely depend." *Droit le Roy*, &c. 1764, p. 36. But the *abdication* being once declared, the constitution might be considered as in *abeyance*, until the settlement of the crown was finally made; and the *necessity* created by the occasion, and strengthened by the wish to preserve, as far as possible, the *forms* of the constitution, when the *substance* had, in one essential point at least, been violated, led to those inconsistencies and incongruities which mark the councils of that period.

In arguing the strict question of *right*, in the event of what has been called a dissolution of the compact, implied, if not expressed, between the King and his people, Smollett is correct; but if the succession were to be provided for only by a reference to the individual voice of the people, a measure which never was, and never could be, enforced,—it would remain unsettled for ever, and anarchy must inevitably ensue. As to the *inconveniencies and difficulties* of such a reference, which, he says, cannot possibly be avoided; the very event which gave rise to his animadversions, demonstrates the pos-

Houses fully represented the three estates of the people of the realm;—so far all was regular; but, beyond this, their conduct could only be

sibility of the thing, notwithstanding the insufficient reasons which he has assigned, with a view to elude the force of this inference. His notions of the constitution are very loose and incorrect. "The constitution of England is founded on a Parliament consisting of King, Lords, and Commons; but when there is no longer a King, the Parliament is defective, and the constitution impaired." The *foundation* of a fabric must, of necessity, subsist previous to the *superstructure*;—but the *monarchy* of England subsisted *before* the two Houses of Parliament, which did not give rise to, but grew out of, it. The constitution is not *Parliamentary*, but *monarchial*. The Parliament is defective, not only when there is no king, but when there are no Lords or no Commons; the absence of any one part renders it defective. If the constitution were *founded* on a Parliament, remove the basis, and the superstructure must necessarily fall; but the *monarchial* constitution of England is found to exist in full vigour when the Parliament is prorogued, or even dissolved.—The *right* of altering the constitution, by which is evidently meant the right to change its form and substance, *as inherent in the body of the people*, is a fictitious right, existing no where, and incapable of being exercised by *the people*, properly so called, if it did exist. The historian's notable scheme for limiting the power of James the Second, so as to prevent him from invading the rights of his subjects, or the constitution of the realm, would produce a total subversion of the constitution, which would, from the instant of its adoption, cease to be a monarchy. But there is little doubt that the Prince of Orange might, had he been so disposed, have brought about an accommodation between the King and the nation; and the effect which the historian

regulated by the same *principle* which influenced the conduct of the convention in 1688 Lord North. seems to have admitted the right of the Parliament to *nominate* a regent; and, surely upon the very precedent to which he referred, they must have had a right to impose *restrictions* on the regent of their own nomination; for the convention in 1688 annexed to the bill by which they nominated the Prince of Orange King of England, their memorable declaration

proposes to produce by the *destruction* of the constitution, (of which the two Houses would, then, form not merely the basis, but the body and head also) might have been produced, by means perfectly constitutional, by stipulating for the King's consent to the declaration of rights, and to all those other preservative measures which the convention exacted from William himself. To these, James certainly would, and indeed must, have acceded; and it would have been very easy to add to them a penalty which would have effectually prevented all danger from a non-observance, or breach, of them, if any disposition to such conduct had obtained, which was not likely to be the case. As it was, without any vain and impotent attempt to reconcile the act to the principles, the spirit, or the practice, of the constitution, let us be thankful that the result has been so highly beneficial, in securing to us the greatest degree of civil liberty, compatible with the preservation of social order and good government, together with the inestimable advantage of enjoying the best and purest religion, known or practised by any denomination of Christians. In reference to such a system, let our motto, and our prayer, be—esto perpetua!

of rights, which were so many restrictions imposed on their new Monarch, or, rather, may be considered as the *conditions* of conferring on him the regal dignity;—and they were prescribed in pretty positive terms; "and they do *claim, demand*, and *insist* upon, all and singular the premises, as their undoubted rights and liberties." The Parliament having now no positive law to direct them, could only be guided, as far as *law* was concerned, by *analogies*, and by inferences drawn from past transactions. The precedent of the revolution would have been more strictly followed, had a mode of conduct been observed different from that which was proposed by either party. If, after the establishment of the King's incapacity, the two Houses had proceeded to regulate the quantum of Sovereign power to be delegated to the Regent, and then, instead of having recourse to a fiction, in the irregular mode of enabling the Lord Chancellor to put the great seal to a commission, for the purpose of giving the royal consent to the bill containing those regulations, had nominated the Prince of Wales regent, accompanying the nomination with the bill, in their address to his royal highness, to take upon him the office, in the same manner as the convention of 1688 accompanied their nomination of the Prince of Orange, with the de-

claration of rights; the legislative power being complete, the regent might have given the royal assent to the bill, in a legal and constitutional way. It is extraordinary, that this mode of proceeding was not suggested either by Mr. Pitt or Lord North; this could not be expected from the partizans of the Prince, who objected to restrictions of any kind, and insisted on transferring, into his hands, during the life of his father, the whole of the regal power, in its utmost plenitude.

The master of the rolls, the attorney, and solicitor-general, the lord advocate of Scotland, and Mr. George Hardinge, delivered their solemn opinions, as lawyers, against the question of right. The last of these gentlemen expressed a great reliance on the precedents of Henry the Sixth, and on the regency bills, passed during the last and present reigns. In the regency bill of George the Second, in case of a minority the Princess of Wales was made regent, and the Duke of Cumberland, the next presumptive heir, passed by;—in that of George the Third, the King was enabled to nominate a regent by his will, though the Duke of York was the next major in succession. These, indeed, were acts of complete legislatures; but in the debates which they occasioned, no complaint was made, no idea started, that any injury was

claim to the right of the presumptive heir, or of any other person. He likewise intended that the convention at the revolution did, in their declaration respecting the appointment of William and Mary to be King and Queen, and the definition of the separate powers of each, decide upon an abstract question of right, and did legislate, to all intents and purposes, as far as was now proposed to be done. In fact, they legislated much farther, for they disinherited the legitimate heir to the throne, and altered the line of succession.

Mr. Fox, in a long speech, replete with ingenuity and acuteness, combated the arguments of those who had denied the existence of the right for which he contended. He rejected all the precedents as irrelevant, or inconclusive, and laboured to prove, from the spirit and practice of the constitution, that the Prince had, subject to the adjudication of Parliament, an exclusive right, under the existing circumstances, to the full exercise of the royal authority. He considered the assumption of a power to nominate a regent, so far as it went, as a conversion of the monarchy from hereditary to elective, and insisted, that the possession of the crown, and of the executive authority, must, in the nature of things, be governed by the same principles. He said, that if the

House had the right to nominate a regent, they might nominate whom they pleased, even a *Catholic*, for the law defines not the regent; and he contended, that the right claimed for the two Houses, implied a right in them to legislate and enact laws, in the teeth of the statute of the 13th of Charles the Second, which not only declared, that the two Houses of Parliament could not make laws without the consent and concurrence of the King, but also declares that, whoever should presume to affirm the contrary, should be guilty of high treason. The right to make laws rested only in the legislature complete, and not in the concurrence of any two branches of it. Upon that very principle was our constitution built, and on the preservation of it did its existence depend; because, if the two branches could assume the power to make law, they might, in that law, modify, or entirely change, the nature of the third estate.

As if aware that he thus pronounced a sentence of condemnation on the conduct of those who achieved the revolution, Mr. Fox immediately referred to that event, observing, that the present situation of affairs had been compared to it, but their proceedings were diametrically opposite. At the period of the revolution, the convention, which was then assembled,

conscious that they could not make any change in the genius of the monarchy, until they had a head, *first* restored the third estate; and then defined its power;* whereas the committee were called on to proceed in a different way; first, to new-cast the office, and then to declare the officer.—He asserted, that a regent so chosen must be a pageant and a puppet, a mere creature of the House!† They might appoint him for a year, a month, a day, and so change the monarchy into a republic. The safety of the whole depended on the jealousy which each retained against the others; not on the patriotism of any one branch of the legislature, but rather on the separate interests of the three concurring, through different views, to

* It has already been shewn, in a preceding note, that this statement of the proceedings, at the revolution, is perfectly erroneous. The convention passed a bill to declare the Prince of Orange King, but *accompanied* it with the declaration of rights, which must be considered as the definition of his powers. And it is truly preposterous to contend, that a convention, which could, and did, change the succession, dethrone the lawful monarch, disinherit his heir, and transfer the sceptre to a foreign Prince, was conscious of its inability to change the genius of the monarchy!

† It might, with great propriety, have been asked, whether King William, who was chosen by the two Houses, was this pageant, this puppet, this mere creature of their own?

one general good. All these principles would be destroyed by the present project, which would radically alter the government, and, of consequence, overturn the constitution.

Having argued the question of right, on these and other grounds, Mr. Fox condemned the present mode of proceeding as totally unnecessary. He next adverted to the charge which had been preferred against him, of having deserted the cause which he had, heretofore, been supposed to claim the peculiar merit of standing forth, on all occasions, to defend, and of having thus manifested an inattention to the privileges of the House of Commons, as opposed to the encroachments of the prerogatives of the Crown. His resistance of the latter, he said, when it had been thought to be increasing, unconstitutionally, was well known. The influence of the Crown had been more than once checked in that House, and, he really believed, to the advantage of the people.—Whenever the executive authority was urged beyond its reasonable extent, it ought to be resisted; but he desired to ask, if this was an occasion for exercising the constitutional power of resisting the prerogative, or the influence, of the Crown in that House? He had even *made it his pride to combat with the Crown,* in the

plenitude of its power, and the fulness of its authority: he wished not to trample on its rights while it lay extended at their feet, deprived of its functions, and incapable of resistance. Let Mr. Pitt pride himself on a victory against a defenceless foe; let him boast of a triumph where no battle had been fought, and, consequently, where no glory could be obtained! Let him take advantage of the calamities of human nature; let him, like an unfeeling lord of the manor, riot in the riches to be acquired by plundering shipwrecks, by rigorously seizing on waifs, and strays, and deodands, and all the accumulated produce of the various accidents which misfortune could throw into his power. Let it not be my boast, he said, to have gained such victories, obtained such triumphs, or availed myself of wealth so acquired. Mr. Pitt, he added, appeared to have been so long in possession of power, that he could not endure to part with it, and was at least resolved to destroy what he might no longer be permitted to enjoy. He had experienced the full favour of the Crown, and enjoyed the advantage of exerting all its prerogatives; and, finding the operation of the whole not too much for the successful carrying on of the government, he had determined to cripple his successors, and

deprive them of the same advantages which he had possessed; and thus circumscribe their power to serve their country, as if he dreaded that they would shade his fame.

The latter part of this speech displayed more eloquence than argument;—*eloquentiæ atis, sapientiæ parùm;*—it did not bear at all upon the point at issue.—Mr. Fox seems to have so framed the whole course of his reasoning, as if the *crown* were to be transferred to the Prince, and not as if he were only to be entrusted with the exercise of the sovereign power, for a short time. In fact, the restrictions to be imposed on the Prince were all made on the ground of his authority being merely temporary, and with a view to the restoration of all its prerogatives to the Crown, as soon as the Sovereign should be in a situation to resume his functions.

Mr. Pitt, in reply, expressed his astonishment at the conduct of Mr. Fox, in digressing from the question of right, in order to enter upon the question of expediency, and that not so much for the purpose of discussing the expediency as to take an opportunity of introducing a personal attack upon him, which was neither provoked nor justified by the manner in which he had opened the debate. This attack, Mr. Pitt pronounced to be unfounded, arrogant, and presumptuous. Mr. Fox had charged him

with acting from a mischievous spirit of ambition, unable to bear the idea of parting with power which he had so long retained;—but not expecting the favour of the Prince, which he was conscious he had not deserved, and, therefore, disposed to envy and obstruct the credit of those who were to be his successors in office. Whether to *him* belonged that character of mischievous ambition, which would sacrifice the principles of the constitution to the desire of power, he must leave to the House, and to the country, to determine. They would decide whether, in the whole of his conduct during this unfortunate crisis, any consideration which affected his own personal situation, or any management for the sake of preserving power, appeared to have influenced the measures which he had proposed. As to his being conscious that he did not deserve the favour of the Prince, he could only say, that he knew but one way in which he, or any man, could deserve it,—by having uniformly endeavoured, in a public situation, to do his duty to the King, his father, and to the country at large. If, in thus endeavouring to deserve the confidence of the Prince, it should appear, that he in fact had lost it, however painful and mortifying that circumstance might be to him, and from whatever cause it might proceed, he

should indeed regret it, but, he would boldly say, it was impossible he could ever repent of it.

Mr. Fox had thought proper to announce himself and his friends as the successors of the present administration. He did not know on what authority he had made this declaration, but, he thought, with a view to those questions of expediency, which he had introduced, both the House and the country were obliged to him for this seasonable warning of what they would have to expect. The nation had already had sufficient experience of Mr. Fox, and his principles. Without meaning to use any terms of reproach, or to cast any imputation on his motives, it could not be denied that they were openly, and professedly active, on the ground of procuring an advantage, from the strength of party, to nominate the Ministers of the Crown. It could not be denied, that it was maintained, as a fundamental principle, that a minister ought, at all times, to be so nominated.—He would, therefore, speak plainly. If persons, who professed these principles, were, in reality, likely to be the advisers of the Prince, in the exercise of those powers which were necessary to be given, during the present unfortunate interval, it was the strongest additional reason, if any were wanting, for being

careful to consider what the extent of those powers ought to be. It was impossible not to suppose that, by such advisers, those powers would be perverted to a purpose which, indeed, it could not be imagined that the Prince of Wales would, if he were aware of it, ever endure for a moment; but to which, by artifice and misrepresentation, he might, unintentionally, be made accessary, for the purpose of creating a permanent weight and influence, in the hands of a party, which would be dangerous to the just rights of the Crown, when the moment should arrive (so much wished, and, perhaps, so soon to be expected) of his Majesty's being able to resume the exercise of his own authority. The notice, therefore, which Mr. Fox, in his triumph, had condescended to give to the House, furnished the most irresistible reason for them deliberately to consider, lest, by providing for the means of carrying on the administration, during a short interval, they might sacrifice the permanent interests of the country, in future, by laying the foundation of such measures, as might, for ever afterwards, during the continuance of his Majesty's reign, obstruct the just and salutary exercise of the constitutional powers of government, in the hands of its rightful possessor, the Sovereign whom they all revered and loved.

Mr. Pitt, in answer to Mr. Fox's representation, that he declined maintaining his former assertion, that the Prince of Wales had no more right to the regency than any other subject in the country, and to the intimation, that he had thus retracted, in consequence of believing that not twenty persons would join in supporting that proposition,—observed, that he did not retract one single word of that assertion.—But it was in the recollection of the House, whether, when he first used the expression, he had not guarded it, as meaning to speak strictly of a claim of right, and not of any reasons of preference, on the ground of discretion or expediency. He had maintained that the Prince had no such right.—If the Prince had not the right, he could not be said to have any more right than any other subject in the country. But was it any answer to the assertion that, as Prince of Wales, he had no right to the regency, to say that he had other rights, different from the rest of the King's subjects, but which had nothing to do with the regency? Yet all the rights of the Prince of Wales, which had been mentioned by a noble lord, (Loughborough) were of this description.—With regard to the question, whether twenty persons did or did not agree in his denial of the right of the Prince of Wales, he would put the

whole on that issue, that if the Prince of Wales had any such right, the resolution which he had moved could not be true, and he considered every person who differed from his assertion on that subject, as bound to vote against the present motion.

In discussing the question of right, Mr. Fox had chosen to remark, that the right of the two Houses, and the right of the Prince of Wales, were to be considered as two rival rights, and that the only question was—in favour of which did the arguments preponderate? He should be perfectly ready to meet the question upon this issue, if it were the true one, for the right of the two Houses was clearly supported by precedent and usage, in every similar case, by express declarations of Parliament, and by positive authority of law; yet, the right of the Prince of Wales was not attempted to be supported on any of these grounds, but on pretended reasons of expediency, founded on imaginary and extravagant cases. In fact, this was not the fair issue of the argument. The right of the Prince of Wales was not to be considered as a rival right, to be argued on the same grounds as the other. It was a right which could not exist, unless it was capable of being expressly and positively proved;—whereas the right of Parliament was

that which existed of course, unless some other right could be proved to exclude it. It was that which, in the principles of this free constitution, must always exist in every case, where no positive provision had been made by law, and where the necessity of the case, and the safety of the country, called for their interposition. The absence of any other right was, in itself, enough to constitute the right of the two Houses; and the bare admission that the right of the Prince of Wales was not clearly and expressly proved, virtually operated on every point under discussion.

The motion was then put, on Lord North's amendment, which was negatived, on a division, by 268 votes against 204,* when the second and third resolutions were put and carried without any further debate. The report from the committee being brought up, on the 19th of December, some further discussion took place, when the second resolution was opposed by Sir Grey Cooper and Mr. Windham, chiefly upon the same grounds on which it had been attacked in the former debate. Amendments being proposed, the object of which was to give the regency to the Prince, without further delay, the debate was adjourned to the 22d;—but, previous to the adjournment, Mr. Pitt informed

* See Appendix A. for a list of the members who voted on either side of the question.

the House, that it was his intention, in case the resolutions which he had moved should be adopted, and should receive the approbation and concurrence of the Lords, to propose, that the Lord Chancellor should be empowered to put the great seal to a commission for opening the Parliament in the usual form; and that, as soon as a bill should be passed, by both Houses, for providing for the exercise of the royal authority, under certain limitations, during his Majesty's indisposition, another commission should be sealed for giving to such act the royal assent. On the resumption of the debate, this mode of proceeding was strongly resisted by Lord North, Mr. Burke, and Mr. Fox, all of whom contended, that as it was agreed on both sides that the Prince of Wales should be the regent, an address ought, immediately, to be presented, requesting his Royal Highness to take the office upon him.—But none of them proposed to accompany this address with the intended restrictions;—so that both parties were wrong. Certainly the constitutional mode of proceeding was to settle the restrictions, and then to present them, together with the address, to the Prince, who, after signifying his acceptance, might open the Parliament in due form, and give the royal assent to the bill for carrying those restrictions into effect. In that

case, any objection entertained by those who feared that the Prince, when in possession of the royal authority, might withhold his assent from the restrictions meant to be imposed on its exercise, would have been removed;—and, on the other hand, those objections which the advocates for the *right* of the Prince advanced against the measure proposed by Mr. Pitt, and which, undoubtedly, were, in many respects, very serious and weighty, would either have been done away, or have been rendered inapplicable, and, consequently, impotent.

In this debate Mr. Fox clearly explained his opinion, as to the applicability of the precedent, supplied by the revolution to the present question. He said, that after the King had abdicated his Throne, by leaving the kingdom, there existed a necessity in which all forms were to give way to the substance and essence of the constitution. The two Houses had not, in that necessity, the choice of conduct. Their first bounden constitutional duty was to protect themselves against the danger which threatened, and therefore he affirmed it as an incontrovertible position, that what they did under the immediate pressure of this necessity did not, and could not, apply to the present necessity; but he was ready to acknowledge, that every proceeding of theirs which could be referred to free agency, and in which

they were not shackled by the dangers that surrounded them, did apply to the present case. Arguing on these two positions, if it should be said that the convention overlooked the line of hereditary succession, his answer would be that, in doing so, they acted under the pressure of the necessity, well knowing that they could only preserve to the kingdom its liberties and constitution by putting the Crown into the hand of a person able to protect them. Their election, therefore, he thought an act of positive necessity, which did not apply to the present case. The mode of their electing him he considered as an act of discretion, and that therefore did apply.—And how did the two Houses act? They might have ordered a new great seal to be made, they might have created a pageant, and given to themselves the empty form, without the reality or the essence of a perfect Parliament; they might have committed an insulting fraud, and, in the mere mockery of legislation, have passed an impotent act, conveying to King William the Crown. But, knowing and feeling the distinct powers possessed by the two Houses, and possessed by the legislature; knowing that the two Houses could act only by resolutions and addresses, and that the legislature could again act only by bill and statute, the convention

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proceeded by that course which was consistent with their functions—by address.—Here was a precedent in the revolution applicable to the present case.

It has already been shewn, that this account of the proceedings of the revolution is not accurate, and that the two Houses did, in point of fact, perform a most important act of legislation.—It is absurd to say, that they merely *resolved* that the Prince of Orange should be King; or that they simply *addressed* him, requesting him to accept the Crown;—for such *resolution*, and such *address*, would be perfectly nugatory, unless they gave a *legal sanction* to the dignity which they conferred, and that could only be done by an act, which, whatever name may be given to it, was, to all intents and purposes, a legislative act.

Mr. Pitt insisted, that the grounds on which he had proposed and supported the resolution would fully bear it out, whether reference was had to precedents and practice, or to the principles of the constitution. The former had been produced, in the first place, to shew that, in all cases of interruption, or suspension, of the executive government, the right of providing a remedy was in the two remaining branches of the legislature; and, in the second place, that in infancy, or infirmity, of the

Sovereign, the will of the King had always, in form of law, been made the instrument of sanctioning the acts of the executive power, by whomsoever advised or directed. In this manner, by a commission, under the great seal, had Parliaments, in such cases, been called together, in former times, as appeared by the precedents, and their acts were sanctioned by the royal authority, although the King was incapable of exercising any judgment, discretion, or will of his own. The present Parliament was more regular, in point of form, inasmuch as it wanted no such power to call it together, being legally summoned, and assembled, without it. It had been argued, that this power of putting the great seal to a commission for calling a Parliament, when there was none, was so much considered as the right of the first Prince of the Blood, in cases of the minority of the King, that it had not even been thought necessary to grant an indemnity for having done it, and consequently it must have been considered a legal act. The precedents of the first part of the reign of Henry VI. shewed that this was a mistake: for a commission for calling a Parliament at that time had been afterwards ratified by Parliament; and there were other instances of such subsequent

ratification; where the seal had been put to commissions by the first Prince of the Blood.

With respect to the revolution, Mr. Pitt contended, that the principles resulting from the proceedings of Parliament then, was such as ought to govern the proceedings at present. He agreed, that what had been done from motives of policy, to protect the nation from invasion, by a formidable rival, and to prevent the return of the abdicated monarch, ought to be laid aside from their consideration at present; but the two remaining branches of the legislature, on that occasion, had not restricted themselves to a simple address to the Prince of Orange to accept the Crown; they felt not only that they must have a King, but that they must have a King on certain terms and conditions.—*They did what amounted to a legislative act;* they came to a resolution to settle the Crown, not on the Prince of Orange, and the heirs of his body, nor on the Princess Mary, and the heirs of her body; but on the Prince and Princess jointly; the authority to be exercised only by him. Here it was evident, that whatever the necessity of the case required at that time, the Lords and Commons possessed the power to provide for it, and, consequently, whatever the necessity of the case demanded at present, the power belonged to the Lords and Commons to

supply it. But, although the application of the principle was denied, the form of the proceedings was recommended as a pattern. On the other hand, Mr. Pitt maintained, that the circumstances of the case were widely different. The Throne was vacant then, but it was full now, and, therefore, the address was not a precedent in point of form.

With respect to the statute of Charles II. which had been frequently referred to in the course of the debate, Mr. Pitt observed, that it said no more, and could never be understood to mean any more, than that, when there was a King, the Lords and Commons could do no legislative act of themselves; but it could not possibly mean that they should not act at all, when there was no King to act with them. The same principle which justified the revolution, must justify the proceeding at the present period; and the 13th of Charles II. might as well have been alleged against the revolution, as opposed to the proceedings under their deliberation.

Mr. Pitt observed, that Mr. Fox had contended that, as the first step of their proceeding, whatever might be adopted, must necessarily be informal; that mode must, of course, prove the best, which can soonest do away the informality, and, at the same time,

conform to the necessity of the case. This, he said, brought him to the true grounds on which the question was to be argued, and on which they might fairly come to a decision. By Mr. Fox it was maintained, that the Prince of Wales might be desired, by an address, to represent the King; whereas *he* had proposed, that the royal assent should be given by a commission under the great seal. The latter had been objected to, on this ground, that any act done in the King's name, without his knowledge, was a coarse fiction, a mere legal forgery, not to be endured. If it were really so, what was the regent to do? was he to act in his own name, or in the King's? In his own name he could not act without first dethroning the King, and in the King's name he could not act without recourse to this reprobated fiction. If gentlemen who argued thus knew their own principles, they proved the impossibility of appointing any regent. But the fiction which had been treated with so much disrespect, and twisted and distorted into so many shapes of absurdity, was, in fact, sanctioned by the practice of the constitution, and the forms of law. The House had been truly told, that it was that fiction which governed the proceedings of the courts of justice, which protected their dearest rights and properties. It resulted from the

nature of hereditary monarchy, from that principle which supposes the same power to pass instantly in succession from one person to another, and that the political capacity of the King is always entire, that principle which preserves, sacred and inviolable, the person on the throne, and has protected it in the imbecility of infancy, and the decrepitude of age. Certain forms of law were evidence of the will of the King, and, whenever they appeared, could not be averred against. Of this nature, was the affixing the great seal, and if the Chancellor were then to put the great seal to any act, it could not be contradicted; its legality could not be disputed; it must be received by the courts of justice, and proceeded on, as law. But, the personal imbecility of the King being known, and his incapability of giving any command, the Chancellor would incur such personal danger by an action of that sort, as would, undoubtedly, deter any man in his senses from committing it. The highest authority in the nation was requisite for such an act, and such was the great council of the nation.

The comparison of the two modes of proceeding, Mr. Pitt insisted, was sufficient to enable the House to decide which was preferable. They had already voted it to be their right and their duty, to provide for the temporary

exercise of the executive power, in such manner as the exigency of the case might require. Having recognized their own authority, would they give authority to another person, to curb them in the use of it? Having declared what their right and their duty were, could they renounce any part of that right and of that duty? It had been observed, that the person of the King could not be represented in Parliament, unless he possessed full Parliamentary powers; the power of assembling, of proroguing, of dissolving it; and to reconcile the House to the granting of these powers, it was said, that the regent would not use the power of dissolving the Parliament But, when powers were once given, it was impossible to say how they might be exercised. The regent might fill the other House with new Peers, while they were deliberating whether that power should, or should not, be limited. The powers to be given him ought to be discussed while the House had the power of deliberating with effect. With many it was a doubt, whether very extensive powers ought to be given, during a short regency, as they all hoped, and wished it might prove; and, if they acted honestly, as their duty to the Sovereign, and regard to the public, dictated, they would decide that first. If they acted otherwise, and should afterwards,

on deliberation, be of opinion, that all the powers of the prerogative were not necessary, in such circumstances, where was the remedy, when they had given them all? To give any part of them arose from necessity; and they went beyond necessity, if they gave more than was sufficient.

It had also been argued, as if the limitations had been perpetual, and they had been warned against invading the prerogative, in its defenceless state. When the necessity of exercising the prerogative, by a regent, should cease, the limitations would cease likewise. But, if the full powers were given to a regent, that circumstance might have a permanent influence, during the life of the King, to weaken the prerogative. It would be highly improper in him to say, who were likely to be the advisers of his royal highness as regent, but he would not pay so ill, or so dishonest, a compliment to his royal highness, as to agree to give him power as regent, which his advisers, whoever they should be, might induce him to misuse. Should the House give the whole power, it might be affirmed, that they went beyond the necessity of the case, and sacrificed their own rights, and their duty to the King, to the prospect of resuming what they might not afterwards be able to resume.

The solicitor-general supported the arguments of Mr. Pitt, and asserted that, as the King was on the throne, it would be highly illegal in the two Houses to address the Prince of Wales, and give him the power of regent, before they were capacitated so to do; nor would he, he said, wish to implicate himself in the guilt of any resolution which might so affect the Sovereign; for the King was yet a capable man in his political character, as the opinion of the twelve judges testified, by their carrying on the business of the courts every day, as if the King were in his most perfect state. He said, that if the great seal were affixed to a commission, calling together the two Houses of Parliament, the meeting, under that commission, would be legal, notwithstanding it was not the immediate order of the King, because, on the face of the proceedings, every thing must be taken for granted to be regular. The same observation, he said, would hold good with respect to any commission for giving the Royal Assent to a bill, without the personal consent of the Sovereign, or the regent, who acted in his stead; such assent, when once given, either by commission, or by the royal person, being always considered as binding and conclusive.

Mr. Fox, in explanation, observed, that he never had asserted, that the name of the King could not be used without the will. For a person possessing the exercise of discretion, and, consequently, the power of assenting or dissenting, to use it might be an allowable fiction, but, for a person set up by Parliament to do a particular act or acts, without the liberty of exercising discretion, or dissenting, if it was thought proper, to use it, was an extravagant fiction. In the one case, there were three branches of the legislature, in the other there were only two.

This was the strongest objection which was urged against Mr. Pitt's proposal; and certainly the absence of all discretion; the want of the faculty of *dissenting* from a bill implies, as strongly as any thing can, the incapacity to *assent* to it, or to give it legal effect.—At the commencement of this debate, Mr. Hardinge had adverted to the precedent of the revolution, of which so much had been said, when he affirmed, that the House *did legislate*, at the period of the revolution, when they elected King William to the throne.

Mr. Sheridan made some personal attacks on Mr. Pitt, imputing his intention of imposing restrictions on the Prince, to fear of losing his own power, or to some unworthy suspicion;

and he insisted there could be no doubt that his royal highness, when regent, would submit to the intended limitations of his power. The original resolution was carried by a majority of *seventy-three*, 271 having voted for it, and 178 against it. It was then ordered, that the three resolutions should be delivered to the Lords, at a conference, and their concurrence desired.

This was done on the ensuing day; and, on the 26th, the resolutions were discussed in the House of Lords. They were opposed by Lords Rawdon, Stormont, Portchester, Carlisle, and Loughborough; and were supported by the Lord Chancellor, the Duke of Richmond, the Marquis of Lansdowne, and Earl Camden. No new light was thrown on the subject, in the course of this investigation, which, however, was conducted, on both sides, with great ability. An amendment having been moved by Lord Rawdon, similar to that which had been proposed in the Lower House, by Mr. Dempster, the object of which was to address the Prince, and to pray him to take upon himself, as the sole regent, the administration of executive government, the Chancellor begged to know what the term regent meant? Where was he to find the definition of it? In what law-book, or what statute? He had heard of *custodes regni*, of *lieutenants of the King*, of *guardians*

and *protectors*, and of *Lords Justices*; but he knew not where to look for an explanation of the office and functions of a regent. To what end, then, would it be to address the Prince of Wales, to take upon himself an office, the boundaries of which were by no means ascertained? But the amendment attempted something which probably was intended as a sort of definition of the term regent, and of the nature of a regent's office, by adding the administration of executive government. There again, however, the expression was dark and equivocal. What was meant by the executive government? Did it mean the whole royal authority, all the Sovereign's functions, without restriction or limitation of any kind whatsoever? If it did, it ought to have said so in express words; and if it had, would any noble Lord have contended, that such a broad degree of authority as amounted to the actual dethroning of his Majesty, and wresting the sceptre out of his hand, ought to be voted by that House? He reminded the House that, in the contemplation of law, the political character of a King of Great Britain was always whole and entire; and he desired them, at the same time, not to forget, that the King's natural character was inseparable from his political character. The resolutions were all carried by a decisive majority,

and a committee was appointed to communicate to the Commons the concurrence of the Lords.

While the two Houses of Parliament were engaged in these important discussions,—important not only in their immediate effect, but in their influence on posterity, by the establishment of a precedent, for all analogous cases, the nation at large were not unconcerned nor passive spectators of the contest. Addresses were presented from various parts of the kingdom, expressive of approbation of the conduct of the ministry, while two or three, of a contrary description, were obtained by the opposition. At this period, Mr. Cornwall, the Speaker of the House of Commons, was seized with a dangerous illness, which put a period to his existence, on the 2d of January, when the House immediately adjourned to the fifth.

During this interval, Mr. Pitt communicated to the Prince of Wales his proposed plan for the establishment of a regency, in the following letter.

"SIR,

"The proceedings in Parliament being "now brought to a point, which will render "it necessary to propose to the House of Com- "mons the particular measures to be taken for "supplying the defect of the personal exercise "of the royal authority, during the present

" interval; and your royal highness having,
" some time since signified your pleasure, that
" any communication on this subject should be
" in writing, I take the liberty of respectfully
" intreating your royal highness's permission
" to submit to your consideration the outlines
" of the plan, which his Majesty's confidential
" servants humbly conceive, (according to the
" best judgment which they are able to form)
" to be proper to be proposed in the present
" circumstances.

" It is their humble opinion, that your
" royal highness should be empowered to exer-
" cise the royal authority, in the name, and on
" the behalf, of his Majesty, during his Ma-
" jesty's illness, and to do all acts which might
" legally be done by his Majesty; with provi-
" sions, nevertheless, that the care of his
" Majesty's royal person, and the management
" of his Majesty's household, and the direction
" and appointment of the officers and servants
" therein, should be in the Queen, under such
" regulations as may be thought necessary.
" That the power to be exercised by your royal
" highness should not extend to the granting
" any office in reversion, or to the granting
" for any other term, than during his Majesty's
" pleasure, any pension, or any office whatever,

" except such as must, by law, be granted for " life, or during good behaviour, nor to the " granting any rank or dignity of the peerage " of this realm, to any person, except his Ma- " jesty's issue, who shall have attained the age " of twenty-one years. These are the principal " points which have occurred to his Majesty's " ministers.

" I beg leave to add, that their ideas are " formed on the supposition that his Majesty's " illness is only temporary, and may be of no long " duration. It may be difficult to fix, before " hand, the precise period for which these pro- " visions ought to last; but if, unfortunately, " his Majesty's recovery should be protracted to " a more distant period than there is reason at " present to imagine, it will be open, here- " after, to the wisdom of Parliament, to re- " consider these provisions, whenever the cir- " cumstances appear to call for it.

" If your royal highness should be pleased " to require any further explanation on the " subject, and should condescend to signify " your orders, that I should have the honour of " attending your royal highness for that pur- " pose, or to intimate any other mode in which " your royal highness may wish to receive such

" explanation, I shall respectfully wait your
" royal highness's command.

" I have the honour to be,
" With the utmost deference and submission,
" Sir,
" Your Royal Highness's
" Most dutiful
" and devoted Servant,
" W. PITT.

" *Downing Street,*
" *Tuesday Night, Dec.* 30, 1788."

To this respectful address, the Prince's advisers persuaded his royal highness to give the following answer:

" The Prince of Wales learns from Mr.
" Pitt, that the proceedings are now in a train
" which enables Mr. Pitt, according to the inti-
" mation in his former letter, to communicate
" to the Prince the outlines of the plan, which
" his Majesty's confidential servants conceive
" proper to be proposed in the present circum-
" stances.

" Concerning the steps already taken by
" Mr. Pitt, the Prince is silent—nothing done
" by the two Houses of Parliament can be a
" proper subject of his animadversion; but
" when, previously to any discussion in Parlia-
" ment, the outlines of a scheme of govern-
" ment are sent for his consideration, in which

" it is proposed that he shall be personally and
" principally concerned, and by which the
" royal authority, and the public welfare, may
" be deeply affected, the Prince would be un-
" justifiable were he to withhold an explicit
" declaration of his sentiments. This silence
" might be construed into a previous approba-
" tion of a plan, the accomplishment of which
" every motive of duty to his Father and Sove-
" reign, as well as of regard for the public in-
" terest, obliges him to consider as injurious to
" both. In the state of deep distress, in which
" the Prince, and the whole royal family, were
" involved, by the heavy calamity which has
" fallen upon the King, and at a moment when
" government, deprived of its chief energy and
" support, seemed peculiarly to need the cordial
" and united aid of all descriptions of good
" subjects; it was not expected by the Prince,
" that a plan should be offered to his considera-
" ion, by which government was to be ren-
" dered difficult, if not impracticable, in the
" hands of any person intended to represent
" the King's authority;—much less the hands
" of his eldest son, the heir-apparent of his
" kingdoms, and the person most bound to
" the maintenance of his Majesty's just preroga-
" tives and authority, as well as most interested

" in the happiness, the prosperity, and the
" glory of the people!

" The Prince forbears to remark on the
" several parts of the sketch of the plan laid
" before him; he apprehends it must have
" been formed with sufficient deliberation to
" preclude the possibility of any argument of
" his producing an alteration of sentiments in
" the projectors of it. But he trusts, with
" confidence, to the wisdom and justice of Par
" liament, when the whole of the subject, and
" the circumstances connected with it, shall
" come under their deliberation.

" He observes, therefore, only generally
" on the heads communicated by Mr. Pitt, and
" it is with deep regret the Prince makes the
" observation, that he sees, in the contents of
" that paper, a project for producing weakness,
" disorder, and insecurity, in every branch of
" the administration of affairs. A project for
" dividing the royal family from each other;
" for separating the court from the state, and,
" therefore, by disjoining government from its
" natural and accustomed support. A scheme
" for disconnecting the authority to command
" service from the power of animating it by
" reward, and for allotting to the Prince all
" the invidious duties of government, without
" the means of softening them to the public.

" by any one act of grace, favour, or benig-
" nity.

" The Prince's feelings, on contemplating
" this plan, are also rendered still more painful
" to him, by observing, that it is not founded
" on any general principle, but is calculated to
" infuse jealousies and suspicions (wholly
" groundless, he trusts) in that quarter, whose
" confidence it will ever be the first pride of
" his life to merit and obtain.

" With regard to the motive and object of
" the limitations and restrictions proposed, the
" Prince can have but little to observe. No
" light or information is offered him by his
" Majesty's ministers on these points. They
" have informed him *what* the powers are which
" they mean to refuse him, not *why* they are
" withheld.

" The Prince, however, holding, as he
" does, that it is an undoubted and fundamen-
" tal principle of the constitution, that the
" powers and prerogatives of the crown are
" vested there, as a trust for the benefit of the
" people; and that they are sacred only as they
" are necessary* to the preservation of that

* This was strange loose doctrine to put into the mouth of the heir apparent. It was tantamount to an acknowledgment of an existing right in the people to strip the Crown of the powers and prerogatives which the law had vested in it, when-

" poise and balance of the constitution, which
" experience has proved to be the true security
" of the liberty of the subject,—must be
" allowed to observe, that the plea of public
" utility ought to be strong, manifest, and
" urgent, which calls for the extinction, or
" suspension, of any one of those essential
" rights in the supreme power, or its represen-
" tative; or which can justify the Prince in
" consenting, that in his person an experiment
" shall be made, to ascertain with how small a
" portion of the kingly power the executive
" government of this country may be carried
" on.

ever, in *their* estimation, they should cease to be necessary for their own benefit.—For who, but the people, could decide whether it was necessary or not? A. ' whether the people were to act, of themselves, or through the medium of their representatives, the effect would be the same. According to this doctrine, the constitution may be radically altered, or totally destroyed, whenever the voice of the people shall be raised against it, and proclaim its inefficacy to preserve the due balance of political powers in the state, and, consequently, to promote and secure their happiness and welfare. Against the prevalence of such notions, no constitution which human wisdom could devise, could be expected to stand. The doctrine, however, is as unconstitutional as it is dangerous, and those advisers who led the Prince to adopt it, for the poor purpose of courting popular favour, whatever praise might be due to their ingenuity, could claim no credit for their prudence or discretion.

" The Prince has only to add, that if " security for his Majesty's repossessing his " rightful government, whenever it shall please " Providence, in bounty to the country, to " remove the calamity with which he is " afflicted, be any part of the object of this " plan, the Prince has only to be convinced " that any measure is necessary, or even con- " ducive, to that end, to be the first to urge it " as the preliminary and paramount consi- " deration of any settlement in which he would " consent to share.

" If attention to what is presumed to be " his Majesty's feelings and wishes on the happy " day of his recovery be the object, it is with " the truest sincerity the Prince expresses his " firm conviction, that no event would be " more repugnant to the feelings of his royal " father,* than the knowledge, that the go- " vernment of his son and representative had " exhibited the Sovereign power in a state of " degradation, of curtailed authority, and di- " minished energy—a state, hurtful in practice " to the prosperity and good government of his " people, and injurious in its precedent to the

* His Majesty's continued confidence in Mr. Pitt, after his recovery, supplies the best answer to this insinuation.

" security of the Monarch, and the rights of his
" family.

" Upon that part of the plan which re-
" gards the King's real and personal property,
" the Prince feels himself compelled to remark,
" that it was not necessary for Mr. Pitt, nor
" proper, to suggest to the Prince the restraint
" he proposes against the Prince's granting
" away the King's real and personal property.
" The Prince does not conceive that, during
" the King's life, he is, by law, entitled to
" make any such grant; and he is sure that
" he has never shewn the smallest inclination to
" possess any such power. But it remains with
" Mr. Pitt to consider the eventual interests of
" the Royal Family, and to provide a proper,
" and natural security against the mismanage-
" ment of them by others.

" The Prince has discharged an indis-
" pensable duty, in thus giving his free opi-
" nion on the plan submitted to his consi-
" deration.

" His conviction of the evils which may
" arise to the King's interests, to the peace and
" happiness of the Royal Family, and to the
" safety and welfare of the nation, from the
" government of the country remaining any
" longer in its present maimed and debilitated
" state, outweighs, in the Prince's mind, every

" other consideration, and will determine him " to undertake the painful trust imposed upon " him by the present melancholy necessity " (which of all the King's subjects he deplores " the most) in full confidence, that the affec- " tion and loyalty to the King, the experienced " attachment to the House of Brunswick, and " the generosity which has always distin- " guished this nation, will carry him through " the many difficulties, inseparable from this " most critical situation, with comfort to him- " self, with honour to the King, and with ad- " vantage to the public.

(Signed) " G. P.

" *Carlton House,*
" *January* 2, 1789."

This paper was delivered by the Prince to the Lord Chancellor.—It was no doubt intended to produce an effect on the future deliberations of the two Houses, and might, indeed, be considered as an appeal from the ministers to the Parliament.—At all events, it afforded a complete answer to the question of one of his partisans—" Would any advise the Prince to say, I accept the regency under the limitations you propose, which I think are improper, and which I hope Parliament will annul!"*

* See Mr. Sheridan's speech of December 22.

CHAP. XII.

Different opinions of the Physicians relative to the probable duration of his Majesty's malady—Discussions on the Regency resumed—Another examination of the King's Physicians, by a Committee of the House, ordered on the motion of Mr. Loveden.—Mr. Pitt opens his proposed plan of restrictions on the Regent—Examines the grounds of the opposite opinions entertained by two of the King's Physicians—Reminds the House that they were not about to place a King upon the Throne—Distinguishes the powers of a Regent from those of a King—Urges the necessity of establishing a constitutional precedent—Reflections on the subject—Restrictions justified, not only on general principles, but on the recorded sentiments and opinions of the men who were destined to be Ministers of the Regent—Personal Character of the Regent not a proper criterion for the regulation of his powers—Mr. Pitt proposes to prevent the Regent from creating Peers—His reasons for the proposal—His restrictions respecting the grant of places and pensions—Respecting the King's personal property—Proposes to entrust the care of the King's person, and the management of the Royal Household, to the Queen; and to move a Council of Advice to assist the Queen in the discharge of her trust—His resolutions violently opposed by Mr. Powis—Ridiculed by Mr. Sheridan—Censured by Mr. Fullarton, whose misrepresentation of French History is corrected—Supported

by Lord Pelgrave—Able Speech of Mr. William (now Lord) Grenville, in favour of them—The first four resolutions carried—Debate postponed—Mr. Pitt's Speech in defence of the fifth resolution—Disclaims all views of factious opposition to the Regent's Administration—Violent Speech of Lord Maitland; he libels the People of England—Misstates the ground of the argument—Objects to trust the King's person to the Queen—Probable motives of such objection—Objection supported by Mr. Grey—Resolutions supported by Mr. Dundas and Mr. Pulteney—Opposed by Mr. Fox—Denies that the King's Political Character continues to subsist during his natural life—The state and splendour of the Regent a national concern—Resolution carried by a majority of fifty-six.—Mr. Rolle revives the subject of the reported marriage of the Prince of Wales with Mrs. Fitzherbert—Called to order by Sir Francis Basset—Necessity of the investigation affirmed from the penal disqualifications attached to such marriage if it had really taken place—Resolutions pass in the Commons—Proceedings in the House of Lords—Agree to the Resolutions—Mr. Pitt proposes to submit the Resolutions to the Prince of Wales; and defends himself against some imputations of disrespect to the Prince, which had been urged against him by Mr. Burke and Mr. Grey—Asserts the existence of a Duty to his King and Country paramount to all considerations of respect to the Prince—Joint resolutions of the two Houses laid before the Prince and the Queen—Answer of the Prince and of the Queen.—Earl Camden proposes a commission, under the great seal, for giving the Royal Assent to the Bill—A better mode of proceeding suggested—His Lordship justifies the proposal by precedents from English History—The Princes of the Blood desire their names may be erased from the commission—Mr. Pitt brings in the Regency Bill—Opposed, on the second reading, by Mr.

Burke—His intemperate language—Is called to order by Mr. Pitt—Mr. Rolle proposes a clause for excluding from the Regency any person proved to be married, *either in law or in fact*, to a Papist, or one of the Roman Catholic persuasion—Clause opposed by Lord Belgrave—Reasons for an Enquiry into the business—Mr. Wellbore Ellis contends, that the Act of the present King, which annuls all marriages of the Royal Family, without the Royal Assent, decided the question, as *that could not be true in fact which was not good in law*—The imputed effect of this Act denied—Mr. Ellis's inference adopted by Lord North, Mr. Sheridan, and others—Silence of the Crown Lawyers on the subject—Inference resisted by Mr. Dundas, who maintains that the penalties of the Act of Settlement still subsist—Mr. Rolle proposes to withdraw his motion—Is ridiculed by Mr. Courtenay—Reviled by Mr. Grey—Mr. Grey's intemperance censured by Mr. Pitt.—Debates on the Queen's Council pursued—Mr. Burke is again called to order—Lord North censures Mr. Pitt for not introducing the names of the Princes of the Blood, and moves for the insertion of their names in the list—His motion resisted by Mr. Pitt, who explains the grounds of their exclusion—Motion rejected by the House—Mr. Pitt defends the means proposed by him for making known the Recovery of the King, and the resumption of the Royal power—Inconsisteney of the Opposition—Extraordinary Speech of Mr. Burke—Restrictions on the creation of Peers limited to Three Years—Bill carried to the Lords—All further proceedings stopped by the King's restoration to health.—Reflections on Mr. Pitt's conduct during these discussions—On the proposed dismission of the King's Confidential Servants by the Regent—Proceedings on the Regency in the Irish Parliament—Their precipitate conduct—Declare the Prince Regent—Glaring instance of their inaccuracy on a constitutional point—The Marquis

of Buckingham (Lord Lieutenant) refuses to transmit their Address—Delegates appointed to carry it to the Prince—The Prince's Answer considered as an indirect censure on the Parliament of Great Britain—Protests of the Irish Peers against the legality of these proceedings, and pointing out their dangerous tendency.

[1789.] During the short interval which occurred between the receipt of the Prince's communication to Mr. Pitt, and the renewal of the discussions in Parliament, contradictory reports had prevailed respecting the actual state of the King's health, founded on the opposite opinions of two of the physicians who attended his Majesty. Doctor Warren seemed to think the probability of his recovery less than it had been at the commencement of his illness, while Doctor Willis, who was more conversant with the peculiar malady with which it had pleased the Almighty to afflict our Sovereign, entertained very sanguine hopes that his illness would be of short duration. When the Parliament met, on the 6th of January, the day fixed by Mr. Pitt for proposing his restrictions on the regent, Mr. Loveden, the member for Abingdon, adverted to these opposite reports, and, very justly, con-

ceived that, as the nature of the restrictions would essentially depend on the probable duration of his Majesty's illness, it would be indispensably necessary to ascertain that before the House proceeded to consider the order of the day. He, therefore, moved, "that the physicians who have attended his Majesty should be again examined, to inform the House whether any alteration, or amendment, had taken place in the state of the King's health, and if the present symptoms were such as to give reason to hope for his Majesty's speedy recovery."

This motion gave rise to a debate, in which more warmth than reason was displayed. Doctor Warren's opinion was attacked, by one side, as the polluted offspring of party-spirit, while that of Doctor Willis was arraigned, by the other, with equal severity, but with infinitely more injustice. Mr. Pitt professed his opinion, that the order of the day ought to be proceeded with, but the turn which the debate took, and the very intemperate language which was used, induced him to alter it, and to acquiesce in the motion for re-examining the physicians before a select committee of the House on the ensuing day. This committee continued to sit for a whole week; — they brought up their

report to the House, on the 13th of January, and the 16th was the day fixed for taking it into consideration, by a committee of the whole House.

On that day, Mr. Pitt opened the business to the House by expressing his concern that the situation of the country should be such as to render it necessary for them to exercise the painful right of providing the means of supplying the deficiency which his Majesty's unfortunate illness had created in the government of the country. In doing so, however, he trusted that they should proceed in the manner best calculated to give general satisfaction, and most likely to secure the approbation of the people; which, he had the happiness to know, had generally attended every step which they had hitherto taken. He sincerely wished that every measure which he had to propose might be fully discussed, and fairly decided upon; that the nature of the case, the general principles on which they ought to proceed, and the application of those principles, might be clearly and distinctly pointed out. In this way, they would be best enabled to meet the emergency which now called for their effective interposition.

The business of the committee, notwithstanding the voluminous reports upon the table,

lay in a very narrow compass. In the last report, there was abundant matter of confirmation to him, of the propriety and prudence of those measures which, as the committee were aware, he was prepared to propose ten days before. But, though there was much material information in that report, there was no difference, in his opinion, in the ground of what he had to offer; as on the former day, as well as on the present, the committee had more information before them than was sufficient to bear him out in all that he should submit to their consideration. Had he, on that day, felt it necessary to state the ground on which he intended to build his proceeding, he should have stated it thus:—"That his Majesty was incapable of meeting his Parliament, or of attending to public business; that the unanimous opinion of his Majesty's physicians was, that his Majesty's recovery was more probable than the contrary, and that all the physicians agreed that it was impossible to ascertain when that so much wished-for event would take place; but that those who were more immediately conversant with the disorder, with which his Majesty was afflicted, had declared that the majority of such patients were cured; and that one of the physicians, the most conversant of any, had stated, that the greatest length of time for

which he had ever known the disorder to continue, was eighteen months, or two years, that the shortest period was three months, and that the average was five or six months." In saying even this, he should have said more than was necessary for any argument on the principle on which he proceeded. What they had to provide for, therefore, was no more than an interval, and he flattered himself that it would prove but a short interval: if, however, unfortunately, his Majesty's illness should be protracted, they might leave it to Parliament to do what was, at present, clearly unnecessary,—to consider of a more permanent plan of government. If they regarded the disorder as not in itself incurable, every man must admit that the provisions ought not to be permanent.

With regard to the difference of opinion between the physicians, as to the prospect of a recovery; Mr. Pitt said, it appeared to him to depend on two circumstances, by which it might be decided on whose opinion the greatest reliance ought to be placed. The first was, the knowledge of the malady in general; and the second, the knowledge of the particular case of the patient. Three of his majesty's physicians had been conversant with the malady; two others, though not so conversant, were

well acquainted with his majesty's habits.—These two (Sir George Baker and Doctor Warren,) attended his Majesty for two hours each day; the three others from the evening until eleven in the forenoon; surely, it was natural for those who attended his Majesty most, to be the best judges of his situation; and it was remarkable, that Doctor Warren and Sir George Baker were the least confident of a cure, and that the other doctors had much greater hopes; but Doctor Willis, who attended his Majesty more than any of the others, was more sanguine than them all. Sir Lucas Pepys stated circumstances which did not amount to a certainty of a cure, but which proved an abatement of his Majesty's disorder. Doctor Willis was of opinion, that all the symptoms, since the time of the last examination, were more favourable. In a word, all the physicians agreed in the probability of his Majesty's recovery, and that the length of the time had not diminished the probability of a cure; those, too, who understood the disorder best, thought it increased it.

For his own part, he wished not to go at length into the particulars of the last report, on which the committee might safely rely, as there were those in the committee who were anxious to sift, with the most scrupulous accuracy, every point likely to prove his Majesty's recovery.

There had been some who were disposed to give but little credit to Doctor Willis; if, therefore, they should make any observations, he conceived, that they would be made in the same spirit, and with the same ability, as when they were urged in the committee above stairs. Upon this occasion, he felt it but common justice to commend the skill, integrity, and good sense, of Doctor Willis, which were evinced under a severe cross-examination, calculated to puzzle simplicity, and to leave the coolness which should, of necessity, accompany the delivery of evidence too unguarded.—However it might suit the political intrigue of the times, or be convenient to circulate them, at present, in London and its environs, he would not anticipate the remarks which might be made; but, if there were any intention of discussing the credit of either this or that physician, he desired that the nature of the imputation might be understood. In the course of the enquiry above stairs, Mr. Pitt said, a circumstance had come out, over which he would not draw a veil of delicacy, as he was not ashamed to bring it forward. If it were to be stated, to the discredit of any physician, that he had submitted to be unduly influenced by a great personage; let the committee know to what physician the

imputation of having consented to give an untrue account of the state of his Majesty's health, applied: if an impropriety of conduct like that was imputed, he would not believe it till it was distinctly *ventured* to be said; and, when he used the word *ventured*, he did not mean to use it with regard to the exalted station of the person in question, but with regard to the transaction itself; nor did he, he would repeat, believe that any man would *venture* to charge blame of any kind on that respectable personage, who had lived, for almost thirty years in this country, without being traduced, a pattern of the most unexampled affection, domestic tenderness, and virtue; against whom the breath of calumny had not dared to send forth even a whisper; and who could not merit it, at a moment, when visited by a calamity which rarely befals a private person, but which surely was not a little aggravated, when it became the lot of the family of a person in so exalted a rank as the Sovereign of the country. As to the fact itself, it appeared that Doctor Warren allowed, that apparent circumstances of an amendment began to appear; and there was, in consequence, a wish, on the part of her Majesty, that the report might be such as should give the public the most favourable account of his Majesty's health; but would any man prove

that any undue influence had been used for that purpose? Mr. Pitt explained in what manner the words—*a comfortable way*,—had been introduced into the report, and then spoke of Doctor Willis as a person well-known in the country in which he lived, by his character, and by the happiness which he had been the means of diffusing to the numerous families who blessed him for the effects of his skill.

Having disposed of this preliminary matter, Mr. Pitt entered on the great business of the day, which he said was to provide for the existing deficiency in the personal exercise of the royal authority,—a deficiency for which no previous provision had been made. As the cause of this deficiency, he had every reason to think, would prove but temporary, the House must deliberately consider what were the cases for which they were to supply a remedy. Their first object was to secure the establishment of a government in the country, equal to its safety, and to the dispatch of public business. But of the nature of such a provision, another duty of equal importance arose, to take care that the measure embraced did not go beyond the necessity of the case. The committee were to provide powers for the exercise of the government, and they must be careful to place those powers in proper hands; but, above

all things, to recollect, that they were not placing a King on the throne. They were to remember that the throne was full, that no right, any where, existed to exercise the royal authority, but that which was conferred by the two Houses, and that they had to provide against any embarrassment in the resumption of the regal authority, whenever God, in his providence, should permit the rightful holder again to exercise it. They were to provide only for the necessity of the case, and not to exceed it; and, therefore, the measures which he should propose, would be to invest his Royal Highness the Prince of Wales, with the whole royal authority, to be exercised in the name, and on the behalf, of his Majesty, under such limitations and restrictions only as should be provided. The principle was not new, although the circumstances of the case happened to be unprecedented. No man would say, that the same power which the principal exercised ought to be given to the delegate; and, if the House referred to precedents, they would find that no one instance could be found of the whole of the royal prerogatives having been so delegated. On the contrary, every precedent which bore the smallest analogy to the present situation evinced the direct contrary; and that, doubtless, with a view to facilitate and ensure the

resignation of the delegate, when the principal should be competent to exercise or to resume his authority.

Having referred them to the act of succession, the Regency Act of George the Second, and the Regency Act of the present reign, Mr. Pitt called upon the House to consider the case of a sovereign in a state of infancy. Was the regent of the country, in such case, invested with full and unlimited power to exercise the royal authority?—Undoubtedly not. In every one of the Regency Bills, to which he had referred, there were limitations. All the powers might be given, but then it was always considered as unsafe to vest them in one person. He laid particular stress on the Regency Bill in the reign of George the Second, when great doubts were entertained by both sides of the House, on the degree of confidence to be reposed in the regent. Afraid of establishing a dangerous precedent, they divided the royal powers amongst many, by appointing a council, without whose consent the regent could take no important step whatever. By one of the bills, the will of the predecessor was to be the rule by which the system of government was to be regulated, while the heir apparent continued a minor;—a principle which, he owned, he thought went too far, although it was a

plausible principle, and was, apparently, most applicable to the present case.

To fetter the will of a regent, or of a council of regency, during a minority, was certainly to carry the principle of restriction to an unwarrantable extent. But, in the present instance, in which the sovereign laboured only under a temporary incapacity, where his will was clearly and distinctly ascertained; where the system of his government was known to be at variance with the avowed principles, and recorded opinions, of those men who were destined to be the ministers of the regent, every principle of public policy, of respect for the King, and of regard for the safety of the country, not only sanctioned, but imperatively required, the imposition of a similar restriction. If the regency had actually taken place, and Mr. Fox been made prime minister of the country, can there be a doubt, that he would have brought forward his own system for the government of India, and that he would have supported, with the weight and influence of the administration, the proposition for repealing the Test and Corporation Acts. Had he preserved any firmness and consistency of principle, he must have pressed the adoption of such measures on the regent. They were measures against which the King had protested in the

most solemn manner; and the proposal of one of them had made him dismiss his ministers from his service. What the feelings of his majesty, on the resumption of his authority, would have been, at finding such a radical change of principles, and of conduct, in the ministers of the crown, may easily be conceived. But it is not merely as a question of feeling (though, limited to that point of view, the argument is strong) that the matter is to be considered. The safety and prosperity of the country depends, in a great degree, on the strength and stability of the government; and nothing tends so much to weaken the government, as difference of principles, and inconsistency of conduct, in those who are entrusted with the care of it. Mr. Fox and Mr. Pitt were completely at issue, on measures of primary importance to the welfare of the state. Mr. Pitt had prevailed, and had begun a system of government, compatible with his own notions of policy, but utterly incompatible with those of Mr. Fox: some of the measures, necessary for the support of that system, had been adopted, but had not yet had time to produce the desired effect; and others were in a state of preparation; the accession, therefore, of Mr. Fox to the ministry, by completely

overturning the whole of this system, would have debilitated the government, and have deprived it of that public respect which is essential to its support. It is not necessary, for this argument, to decide between the political principles of these rival statesmen; it is sufficient to know that the King disapproved those of the one, and approved those of the other.—

* It may, possibly, be objected to this inference, that Mr. Fox's conduct, when he last came into power, on the death of Mr. Pitt, is sufficient to prove that he would not think himself bound to act as a minister, in pursuance of the principles which he had avowed, and of the system which he had recommended, as a leader of opposition;— but the causes were widely different, as well as the circumstances of the times.—In the last instance, Mr. Fox had, for his associates in power, men who had publicly and systematically differed from him, for a number of years, upon almost every leading principle of government; and it is fair to suppose, therefore, that a certain compromise had taken place between them, the object of which was to prevent the discussion of those questions on which they entertained opposite opinions; besides, Mr. Fox had, by that time, profited very much by experience, and had, probably, convinced himself too fully of the fatal effects of innovation to be solicitous to try political experiments in his own country.— But, at the period of the regency, he was very differently situated; he would have had, for his colleagues, men of his own principles, who agreed with him in most of the measures, if not in all, which he had proposed; and those measures had been so recently the subject of discussion, that pride, as well as principle, would have led him to enforce their adoption.

Neither could the personal character of the regent, (allowing him to possess the highest sense of honour, the strictest delicacy, and the most steady patriotism, which no one ever attempted to deny, or even to doubt,) alter the state of the question: he sufficiently displayed his sense of the two systems, by the marked preference which he gave to Mr. Fox, and to those who had supported him in all the political contests in which he had been engaged. There was every motive then, and every reason, for making the will of the sovereign, the rule of his *representative's* conduct; nor is it, indeed, very easy to perceive, with what propriety a system, in opposition to that will, which had recently been so clearly manifested, and so fully expressed, could be adopted and pursued. What is here said, however, applies only to the *temporary* exercise of the sovereignty, by a regent, with a view to the resumption of the regal power by its lawful possessor, at no distant period. If the incapacity were permanent, or of long duration, the safety of the state would require that the regent should be entrusted with much greater powers, and be left to act for himself, in all the plenitude of sovereign authority.

Mr. Pitt, after merely adverting to this *plausible principle*, and making only a partial

application of it to the case in point, endeavoured to demonstrate, by argument, that as, in no preceding instance, had the powers of royalty were given to other hands, in the present instance, they ought not to be, nor could they be, trusted in the hands of one person, without proving a hazardous and, possibly, a prejudicial experiment; and he declared, that he would give his vote for investing the regent with all the powers which were necessary, but would not agree to give him any which were not requisite to carry on the government of the country with energy and effect.

The first restriction he meant to propose was, that the authority of the regent should not extend to the creation of one peer, except such of the royal issue as should attain the age of twenty-one. There were three grounds, he conceived, upon which this branch of the prerogative was intrusted by the constitution to the crown, none of which were applicable to the present case. First, it was designed to enable the King to counteract the designs of any factious cabal in the House of Lords, which might have acquired a predominant influence in their deliberations. But was it at all probable, that the government of his Royal Highness should be obstructed by any such cabal? He, for one, was ready to declare, that he should give no

opposition to any administration which the regent should chuse to form, so long as their measures were compatible with the prosperity of the kingdom. On the other hand, he said, such a number of peers might be created, as would considerably embarrass his Majesty's government, on the event of his restoration to health. Secondly, this power was vested in the crown, to enable the sovereign to reward eminent merit, and thereby to invite others to the same laudable exertions in the public service. But was it, he said, to be supposed that, for want of such an incentive for a few months, the country was likely to be deprived of the service of men of merit? If his Majesty recovered, as they all hoped, and had reason to expect he would, the power of creating peers might be exercised by the rightful holder of the prerogative; but if, unfortunately, his Majesty should grow worse, and be pronounced not likely to recover for a long time, parliament would have it in its power to take off the restriction, and vest the regent with an authority, which, though not at present, might, in time, become necessary to the carrying on of a powerful government. Thirdly, this power was designed to provide for the fluctuation of wealth and property in the country, that, by raising men of great landed interest to the peerage,

that branch of the legislature should be always placed upon its true and proper basis. But, surely, it would not be contended, that it was necessary to provide, in a temporary plan, for exigencies which could only arise from the lapse of considerable periods of time. For all these reasons combined he should propose, that the regent should be restrained from the exercise of this part of the prerogative.

The next restriction, proposed by Mr. Pitt, was, that the regent should not grant any pension or place for life, or in reversion, other than such place as was, from its nature, to be held for life, or during good behaviour. This restriction, he said, flowed from the same principle which supported the former: it was calculated to prevent his Majesty from being put on a worse footing, should he recover, than he was on before his illness; and it could not be said that the power restrained by this limitation was necessary to a regent.

The object of the next restraint was to prevent the regent from exercising any power over the personal property of the King. Mr. Pitt, on this occasion, observed, that he scarcely thought it necessary to pass this resolution, as it was not probable his Royal Highness should interfere with his Majesty's personal

property in his life-time; but as they were acting on parliamentary principles, he thought it his duty to submit it to the committee.

Mr. Pitt's last resolution went to intrust the care of the royal person, during his Majesty's illness, where, of course, all men would be unanimous in thinking that the royal person ought to be placed, under the guardianship of the Queen; and, with this trust, it was his intention to propose to put the whole of his Majesty's household under her authority, investing her with full power to dismiss and appoint, as she should think proper. He expressed his opinion, that the Queen could not, without being invested with this control, discharge the important trust committed to her care. These officers were, for the most part, in actual attendance upon his Majesty's person, and he did not see how they could be put under the control of the regent, while the care of his Majesty, upon whom they were to attend, was trusted to another person. He admitted that the Lords of the Bed-chamber might not be thought absolutely necessary, then, when their attendance could not be required; but, on the other hand, a generous and liberal nation would not have it said, that, in the moment of the King's illness, they had become so very economical, that they would not bear the expense

of supporting, till his recovery, those officers who formed part of his royal state. It would be no pleasant thing to his Majesty to be told, should he, on his recovery, call for some one of those lords who used to be about his person, that they had been dismissed, that the nation might save the expense attending their offices.

It was further proposed, by Mr. Pitt, that a council should be named to assist the Queen with their advice, whenever she should require it; not to have any power of control, but barely that of giving advice, and of satisfying themselves, daily, of the state of the King's health; and that they, or some others, should be appointed to manage the real and personal estate of the King; with this restriction, not to alienate, nor to dispose of, any part of it, except by lease.

Mr. Pitt concluded with moving:—"That it is the opinion of this committee, that, for the purpose of providing for the exercise of the royal authority, during the continuance of his Majesty's illness, in such a manner, and to such extent, as the present circumstances, and the urgent concerns of the nation, appear to require; it is expedient that his Royal Highness the Prince of Wales, being resident within the realm, shall be empowered to exercise and administer the royal authority, according to the

laws and constitution of Great Britain, and in the name, and on the behalf, of his Majesty, and under the style and title of regent of the kingdom; and to use, execute, and perform, in the name, and on the behalf, of his Majesty, all authorities, prerogatives, acts of government, and administration of the same, which belong to the King of this realm to use, execute, and perform, according to the laws thereof, subject to such limitations and exceptions as shall be provided."

Mr. Powys attacked the proposed resolutions with considerable asperity; he condemned, without discrimination, as without reserve, the whole of Mr. Pitt's plan, which he strangely represented as destructive of that constitution which it was its avowed object to preserve entire. He argued, indeed, as if the Prince were to be, to all intents and purposes, King, in the same manner as if his Majesty had suffered an actual demise. And, acting upon this persuasion, he insisted on the Prince's right to the regency without limitation or restraint; and, acordingly, moved an amendment to that effect. His motion was seconded by Lord North, who followed him on nearly the same ground, only adopting a little more discrimination in his censures, and deeming it necessary to employ arguments in support of

his assertions. Mr. Sheridan, as usual, made a personal attack on Mr. Pitt, and was lavish of his accustomed raillery and ridicule. Mr. Fullarton followed on the same side, and adduced instances from the French history, in the reign of Charles the Sixth, to prove, that restrictions imposed on a regent, produced inefficacy, counteraction, calamity, and disgrace.* In that reign, in the year 1392, the Duke of Orleans, the first Prince of the Blood, *was appointed, by letters patent, regent of the kingdom, without any sort of restriction:*† but his conduct was so profligate, abandoned, and oppressive, that it was determined by the council, in 1401, that he should no longer enjoy that office, which was then settled on the King's uncle, the Duke of Burgundy. And it was the rival feuds of those Princes which reduced

* Annual Register for 1789, page 116.—The writer of that work observes, that, "Mr. Fullarton concluded with reciting a part of the history of France, which bore so strong a similitude, in some of its circumstances, to the situation they were in, that some of the members were in doubt whether it were a real story, or invented for the purpose." Any member on the other side, by a reference to the same period of the French history, might have found, at least, as solid grounds for the defence of his own arguments.

† History of France, 4to. Vol. II. page 339.—Ibidem, page 356.

the kingdom to that deplorable state which Mr. Fullarton represented as proceeding from the mutilated powers of the regent. "The Duke of Orleans was compelled to conform to this degree of the council, but he secretly nourished a spirit of resentment, at the preference which was given to the Duke of Burgundy, which proved equally fatal to himself, and to the repose of the kingdom. Such was the prelude to the disorders which the ambition of the two rival Houses was destined to produce; while the nation, as if bent on its own destruction, had the madness to divide into parties, and to espouse, with inveterate rage, and ruinous animosity, the quarrel of those princes, who only fought for the right of oppressing the people."

On the other hand, the resolutions were strongly and ably supported by Lord Belgrave and Mr. William Grenville. His Lordship professed his esteem for the Prince of Wales, and declared he had an implicit confidence in his virtues; but observed that, in such a case as the present, when they were about to establish a precedent, and to provide an example, as it were, for posterity, they could not proceed with too much caution. There might hereafter exist an heir apparent, who, equally deaf to the ties of nature, and regardless of the interests of the

people, might connect himself with a desperate faction, and, forgetting what was due to his own character, and his exalted station, might afford the nation a melancholy prospect of what they were to expect, when he came into power. God forbid, said his Lordship, that such an one should exist; but as the transactions of the times would, doubtless, form an important æra in our history, it was their duty to guard against the possible danger of the regent being surrounded by ill-advisers, and his mind being warped by the councils of an unprincipled faction, who had once already made a violent attack on the constitution of their country.*

Mr. Grenville entered very much at large into the question, and considered it in every possible point of view. He examined the validity of a position maintained by persons in both Houses: — "That although the two Houses of Parliament constitute the only power competent to act on this occasion, yet that they can lawfully proceed no farther, than to call some person to the exercise of the royal authority; and that whatever other provisions the existing circumstances may require, must be made hereafter, with the consent of such per-

* Impartial Report of all the proceedings in Parliament on the late important subject of a regency, &c. page 300.

son then representing the Sovereign, and exercising, at his own discretion, the legislative functions of the Crown." In support of this proposition, the Statute of the 13th of Charles the Second, Cap. I. had been quoted; but that this statute was not applicable to the present circumstances, was evident, he said, from hence, that it would apply equally to every step that could be taken, and the only inference that could be drawn from it, would be, that we were now in a situation for which no legal remedy could, by any possibility, be provided. The necessity of the case was, therefore, to supersede all law. — Mr. Grenville then proceeded to consider the cases of the restoration, and the revolution; and, by distinguishing the points in which they agreed from those in which they disagreed, from the present circumstances, justified the mode of proceeding adopted by Mr. Pitt. He contended that the more strongly we recognize the right of inheritance to the Crown, in the event of a demise, the more essential it becomes us to guard, with the utmost jealousy, against the admission of any principle which leads to the assertion of such a right when there is no demise, and against the adoption of any measure which might afford the means of superseding the King's authority, during his life, under the

name and influence of that person on whom his Crown would, in the course of nature, legally devolve. He next laid down the principle upon which he conceived the propriety of limiting the powers of the regent was grounded; this was, that at the same time that a form of government should be established, capable of conducting the public business with energy and effect, complete and ample security should be provided for enabling his Majesty to re-assume the exercise of his authority, fully, freely, and without embarrassment. On this ground, he maintained, our ancestors had acted, on all similar occasions, never vesting the whole of the regal power in a sole regent. The mode of restriction had, indeed, for the most part, been different from that which was now proposed, but the principle had been the same. The royal powers had been generally divided among a number of persons forming a council of regency; but now it was the unanimous opinion, that one regent only should be appointed, and that he should be the Prince of Wales. But if, by general consent, we departed, in this respect, from the practice of our ancestors, it surely could not be reasonable to argue, that we were, therefore, bound to adhere to it, in another point so intimately connected with the former. It could not be a just conclusion to say that, because they

committed the whole authority of a King into the hands of a regent, controlled and fettered by a fixed and permanent council, it was proper for us to delegate the same power to a single person, unrestrained by any similar check. It seemed, on the contrary, that the more widely we departed from one line of limitation and restraint, the more we were bound to look to some other mode of carrying the same purpose into effect.

Mr. Grenville next observed, with great propriety and truth, that it was by no means a just conclusion, either from the theory, or from the practice, of the British constitution, or from any general principles of government, that the same powers which might be intrusted, with propriety, to the permanent authority of a King, were equally fit to be committed to those hands which were to exercise the temporary, and delegated functions of a regent. The provisions which respected the prerogatives of the Crown, in this country, he said, were adapted to the ordinary course of an established government, and were calculated for a long continuance. Because, if Parliament were in the constant habit of regulating and directing the exercise of the prerogatives of the Crown, those prerogatives would, in fact, become the prerogatives, not of the Crown, but of the Parliament itself. It was, therefore, just and

prudent, that, in apportioning these, a due consideration should be had, not of the necessities which existed at one precise moment, but of those which might be likely to arise within a considerable compass of time. But in the establishment of a regency, the case was directly the reverse. We were to look not to the general exigencies of government, but to those occasions which might probably exist, during the period for which the system so provided was intended to continue.

This was so just and obvious a distinction, a distinction too so essential to the formation of a right decision on the question, that it is impossible to read the debates of this period, without feeling considerable astonishment, that it should have escaped the observation of other members, who took a part in the discussion, and that its force and justice should not have been universally admitted by the House.

Mr. Grenville pursued this line of argument, by adding, that as for this reason there might be much less ground to justify the grant of particular powers, so, on the other hand, there would be always infinitely more temptation to abuse them. The permanent interest of a Sovereign would frequently operate as a restraint on him, in those very points where the possessor of a temporary authority, how-

ever near to the Crown, in prospect or expectation, would feel himself most desirous, and would most strongly be urged by others, to exceed the limits of a just and sound discretion.—Having endeavoured to impress these truths upon the House, with great energy, he proceeded to consider the proposed restrictions on the regent. He expressed his entire approbation of that restraint, meant to be imposed on the power of creating peers, on two distinct grounds. First, on his conviction that, from the shortness of the period for which the House was called upon to provide for the existing deficiency in the exercise of the Supreme power, no possible inconvenience could arise from such a restriction, whence it followed, that there existed no necessity for delegating this power to any other hands; and, therefore, according to the principle which he had before laid down, they had no right to confer it on the regent. But, he observed, there was, in the second place, a more important consideration which applied to the subject. Of all the powers of the Crown, this was the most liable to be abused under a delegated and temporary government; and it was also *that* from the abuse of which the most injurious consequences would arise to the permanent interest of the Sovereign. The power to create,

at discretion, a lasting influence on the deliberations of one of the branches of the legislature, was a prerogative of so high a nature, that nothing but a strong necessity would justify that principle of the constitution, which had placed it in the hands of the Sovereign himself. As exercised by him, it was, however, subject to this restraint, that the mischiefs attendant on its abuse operated against the peace and security of that government, of which the King was not only in actual possession, but which he was to retain for the whole period of his life, and which he could have no interest to weaken or to embarrass. The case of a regent was widely different. If they supposed him unhappily to be misled by the councils of men desirous of availing themselves of a short interval of authority, in order to establish for themselves an influence in the state, paramount to that of their Sovereign, what other mode could be so naturally resorted to for that purpose as the abuse of this particular branch of the prerogative? It should be further considered, said Mr. Grenville, that, in the present case, exactly in proportion as the probability of the King's recovery increased, the force of this restraint would gradually be weakened, and the temptation to the abuse would grow more powerful. The persons who

advised the regent would then feel it *less likely* that the consequences of any misconduct of theirs, in this respect, would be injurious to the government in their own hands, and they might perhaps imagine that they had an interest in the mischiefs which it would entail on the subsequent administration of the Sovereign.—The consideration, therefore, of the shortness of the interval for which they were then to provide, served, at once, to shew that no necessity could exist for giving that power, and to afford a great additional weight to the apprehension of danger resulting from it. In the present moment, he could entertain no doubt that the granting it would exceed the limits of their authority; and that even, if that were not the case, it would be the duty of Parliament to withhold it on grounds of expediency.

In considering the other resolutions, Mr. Grenville defended them on the same grounds on which they had been previously defended by Mr. Pitt. His speech took nearly three hours in the delivery, and it fully engaged that attention which, for its eloquence, and the soundness and cogency of its arguments, it so richly deserved. The committee divided on the amendment, when it was rejected by a majority of *seventy-three*. The second resolution: "That

" the power so to be given to his Royal Highness " the Prince of Wales shall not extend to the " granting any rank or dignity of the peerage " of the realm to any person whatever, except " to his Majesty's royal issue who shall have " attained the age of twenty-one years," was then put, and carried by a majority of *fifty-seven.* The following resolutions were next put, and carried without a division: " Resolved, " that the said powers should not extend to the " granting any office, whatever, in reversion, " or the granting any office, salary, or pension, " for any other term than during his Majesty's " pleasure, except such offices as are by law " required to be granted for life, or during " good behaviour."—" Resolved, that the said " powers should not extend to the granting of " any part of his Majesty's real or personal " estate, except as far as relates to the renewal " of leases." The fifth and last resolution, which related to the care of his Majesty's person, was reserved for consideration on the 19th of January, when Mr. Pitt undertook its defence.—He observed, that the foundation of all the measures which he had proposed was the necessity of the case; the House were bound to provide the means for the dispatch of public business, and for the discharge of the executive authority; they were, also,

equally bound to the accomplishment of two other objects;—the care of his Majesty's royal person, and the preservation of his dignity, which ought to be inseparable from him during his indisposition. With a view to both these objects the resolution which he should propose had been formed. He could not conceive that there could be any difference of opinion respecting the propriety of trusting the guardianship of the royal person to the Queen;—for, under the character, the virtue, and the feelings of that great and amiable personage, he felt confident there would scarcely be a heart in the country, which, while it deplored the melancholy and fatal necessity which existed, would not, at the same moment, feel a considerable degree of support and alleviation, in the remembrance that, under such guardianship, with so much propriety and safety, might be entrusted the care of the Sovereign.

The next part of the resolution, on which a difference of opinion might occur, related to the powers given to the Queen to discharge such a trust, on the one hand, and to maintain the dignity of his Majesty's person, on the other. He reminded the committee that, while they were delegating part of the executive authority to be exercised in the King's name, they were bound to provide for the

safety of their King, that it might appear they had not forgotten that he was still their Sovereign; and that the representatives of a faithful and loyal people ought not to deprive his Majesty, in his present melancholy situation, of that dignity which he enjoyed in the moment of health.—On that ground, Mr. Pitt observed, he submitted the principle on which he went, contending, that it was indispensably necessary that her Majesty, in the care to be entrusted to her, should have the whole direction of all who were employed about the King's person. The Lord Steward, the Lord Chamberlain, and the Master of the Horse, could be considered only as the great leading parts of the several divisions of the household, and, therefore, the only question which could arise on the propriety of placing them under the direction of the Queen was, whether the alteration of circumstances rendered it becoming that any alteration should be made in the expense or duty of such officers, as would, with the least degree of decency, countenance the Parliament, in his Majesty's present situation, (which could be considered but as temporary, and which all hoped might prove of short duration) in the attempt to new-model his household, and to so degrade it as to render it less suitable to his dignity? Mr. Pitt pressed this point on

the attention of the committee, appealing alternately to their feelings and to their judgment. It had been objected, that such a power, being entrusted to her Majesty, would give so great an influence, and so extensive a patronage, as to render it impracticable to carry on the business of government with effect. This objection was founded on the supposition that a degree of political influence would accompany the possession of patronage. He admitted that such influence, if likely to be exercised, would be an evil: but he contended that, as in forming establishments for other branches of the Royal Family, such patronage and such influence had been given, and no evil consequence had resulted from the gift, so it was not fair to infer, that any evil could result from the bestowal of them upon the Queen. The danger, so unnecessarily apprehended, could only arise from the supposition that those who were now in his Majesty's service would act in opposition to another administration. Should that be offered as an argument, he should deny the truth of it. Supposing, even for a moment, that such a conduct was likely to be pursued.—A factious opposition, he was bold to say, they would never engage in; he wished not, however, that any man should rely on his assertion, or on the assertion of any other

person; it was public conduct alone which spoke to the people the conduct of public men. He then asked whether, if they pursued the conduct of a desperate faction, or cabal, it was likely they should meet with support from the people equal to that which they had received while in government? Was it likely that such a faction would be supported by the country at large, which depended on the independent members of that House, and on the people? Whatever might be the patronage annexed to the powers proposed to be granted to her Majesty, was it likely that, in such hands, it would be employed to enable a faction to obstruct, with its weight, the government of the regent? And, if so employed, could it prevail over the accumulated patronage of government? But did it appear probable, that the Queen would support a faction thus to oppose the wise and prudent measures of her Son? Was it likely that his Majesty's ministers, in the present calamitious and distracted state of affairs, forgetful of their duty to the country, forgetful of their duty to the constitution, and forgetful of their duty to him, whose dearest interest was the welfare of his empire, would neglect the interest of the people, to form a factious opposition, in order to obstruct the necessary measures of government? Could it

be supposed, that persons, standing in such a situation, would factiously unite, to the injury of a country, or of a government, to which they might, on his Majesty's recovery, again be called, and the interest of which it had appeared to be, and ever would be, their honour and ambition to advance. He wished again to ask, whether, in the situation in which her Majesty was placed, it appeared likely that she should support such a faction as he had described? It was an idea which he did not believe was felt or imagined by any one, on which he therefore would not dwell any longer. It was due to his Majesty, from a loyal people, not to destroy that system which he had adopted for the management of his household. The committee ought not to destroy the dignity due to his Majesty, and the care of his Majesty, and the government of the household, ought to be entrusted to the Queen. He concluded with moving his fifth and last resolution;—"That the care of his Majesty's "royal person, during the continuance of his "Majesty's illness, should be committed to the "Queen's most excellent Majesty; and that "her Majesty should have power to remove "from, and to nominate and to appoint such "persons as she shall think proper, to the "several offices in his Majesty's household, and

" to dispose, order, and manage all other mat-
" ters and things relating to the care of his
" Majesty's royal person, during the time afore-
" said: and that, for the better enabling her
" Majesty to discharge this important trust,
" it is also expedient that a council should be
" appointed, to advise and assist her Majesty
" in the several matters aforesaid, and with
" power, from time to time, as they may see
" cause, to examine, upon oath, the Physicians
" and others attending his Majesty's person,
" touching the state of his Majesty's health,
" and all matters relative thereto."

Lord Maitland (the present Earl of Lauderdale) attacked the resolution with great warmth, and insisted that, by its adoption, the committee "would give the lie to their principles."* —He reprobated the proposition for maintaining the regal dignity, which, he said, "was a dignity, under the present unfortunate and mortifying circumstances of the King, unfit to be bestowed, and could only beget contumely; it was a dignity that tended not to make his subjects look up to him with reverence, but to make them contemptuous scoffers."† We do not find, from the Parliamentary debates of the

* Impartial report of all the proceedings in Parliament, on the late important subject of a regency, p. 312.

† Idem Ibid.

time, that his Lordship was called to order for this most indecent libel on the people of England;—for what libel could be more atrocious than the assertion, that because their Sovereign, during the pressure of a temporary affliction, did not sink into the state of a private individual, they would treat him with scoffs and contempt? His Lordship, too, wholly mistook the ground of the argument.

The question was not, whether any dignity should be *bestowed* on the King? but whether, because it had pleased Heaven to afflict his Majesty with a severe visitation, it was proper in his subjects to strip him of the dignity which he had always enjoyed, in order to confer it on his temporary representative? Lord Maitland further contended, that as the House had, "on a very good principle, resolved, that the Prince, being interested, should not be trusted with the care of the royal person," they could not, without a violation of that principle, entrust it to the Queen, who would be more interested than the Prince. —The extreme delicacy of entering into any argument which related personally to the heir apparent, seems so strongly to have operated on the minds of the members, as to prevent them from exposing the most palpable fallacies, and from confuting the most perverse misrepresentations.—The only interest which, it was even

pretended, the Queen could have in the proposed arrangement, was the power to be given her over the royal household; and the only possible ground of this Lord's argument was, that, in order to retain the appointment of, and control over, the different officers of which it was composed, her Majesty might be tempted to adopt a line of conduct, the effect of which would be to keep her Husband, and her Sovereign, in the unhappy state to which he was then reduced. And a supposition so monstrous, that one is at a loss to conjecture the construction of that mind which could harbour it for a moment, was to be opposed to that prominent and overbearing interest which must arise out of the possession of regal power, and the certain prospect of its speedy loss. There might be nothing in the character or disposition of the Prince to justify the belief that he, personally, would suffer his interest to rise superior to his duty; but the Parliament were then called upon to legislate, as it were, for future times, by the establishment of a precedent; and it was, consequently, their duty to provide against every possible abuse of power, to which any regent, of different principles, sentiments, and feelings, from the present Prince of Wales, might have recourse. This objection, too, came with a peculiarly bad grace from the men who made no

secret that they themselves were destined to be the ministers of the regent, and some of whom, of course, expected to enjoy those very situations in the royal household, which they objected to commit to the care and discretion of the Queen. Mr. Grey, indeed, who followed and supported Lord Maitland, avowed this ground of opposition; for he contended, that while the proposed restrictions were totally inadequate to oppose the vast power with which the regent would be invested, they would, nevertheless, obstruct him in the just and useful exercise of his power, "they would limit him in the choice of his political servants."

The resolution was supported by Mr. Pulteney and Mr. Dundas, and was further opposed by Mr. Fox, who attacked the doctrine advanced by the law officers, "That the "King's political character was, in the eye of "the law, inseparable from his personal—that "it remained entire and perfect—and would "continue so to do until his natural demise." He said, he had often wished, in vain, to hear this doctrine explained, for how that person, whose political faculties were confessedly suspended by a severe visitation of Providence, could still exist in the full enjoyment of his political character, was beyond his understand-

ing to comprehend. The doctrine partook of, and seemed, indeed, to be founded on, those blind and superstitious notions, by which, as they all knew from history, human institutions had been, as it were, deified, and which were inculcated for the purpose of impressing a strong and implicit reverence of authority in the minds of the multitude. If such was the point of view in which it was wished to consider this mysterious character of complete political existence, without political capacity, he could only observe, on the doctrine of the lawyers, that they took up the superstitions of ambiguity, and rejected the morality; for, while they thus enveloped the sacred person of Majesty with a political veil, which, by ancient superstition, was calculated to inspire awe, and secure obedience, they were labouring to enfeeble the arm of government, to cripple it in all its great and essential parts; to expose it to hostile attack, and to contumely; to take from it the dignity which appertained to itself, and the use for which it was designed towards the people. It had been said, that a subject's allegiance should continue during the life of the King, whatever might be the condition of his mind. This, Mr. Fox said, was, in some respects, true; but if it were admitted as an argument for the limitations contended for, and this allegiance was

made to depend not on the political capacity, but on the bare personal existence of the Sovereign, then all which they had heard, that these limitations were but temporary, and that the time would come when they must be revised, and the full power be given to the regent, was false and absurd. For, whether the King's malady endured one year, or thirty years, it was precisely the same in the contemplation of this doctrine; and the legislature could not vest the full powers of the crown in any other hands, while the person of the King remained.

Mr. Fox expressed his indignation and abhorrence of the project of putting into a state of competition persons so nearly connected by blood, by duty, and by affection, and thereby exciting that mutual jealousy, which, in some degree, is inseparable from the human mind. How much, he said, had they to answer for, who, with a perfect knowledge of this weakness of human nature, wickedly and wantonly pursued a measure which might involve the empire in endless distractions.—At the close of his speech, Mr. Fox asked Mr. Pitt to what period of time he proposed to confine the limitations?—What revenue he meant to assign to his royal highness, and who were the persons of whom the council of advice was to con-

sist?—On the subject of the second of those questions Mr. Fox said, that the feeling of the Prince for the distresses of his country, and his decided objection to increase its already too grievous burdens, would make him revolt at the idea of imposing any new taxes, for the purpose of raising a revenue to supply the charges of his government.

This last observation was unworthy a statesman, and could only be considered as a pitiful attempt *ad captandum vulgus.* No one knew better than Mr. Fox, that the support of the regent, in that state of splendour, which became his rank, would not be granted for the gratification of his personal feelings, but for maintaining the character and dignity of the nation; and that, as these would be affected by withholding the necessary means, any motion for that purpose should originate in Parliament; it could not be a *personal,* but a *national,* sacrifice.

In answer to Mr. Fox's questions, Mr. Pitt said, that whenever the physicians should pronounce that his Majesty's recovery was less probable than it had been, he should think it necessary to remove most of the restrictions, and to new model the household. The council for the Queen would consist of the great officers of the household, with the addition of some pre-

lates. As to the revenue to be provided for the support of the regent's dignity, he should not be deterred, by the unpopularity of such a measure, from proposing, as his last act, whatever additional burthens it might require to be laid on the people. The resolution was ultimately carried by a majority of fifty-six.

Immediately after this division, Mr. Rolfe revived the subject of the reported marriage of the Prince, by observing, that he had given his consent to the appointment of the Prince of Wales, as regent, only on the ground that he was not married to Mrs. Fitzherbert, either in law or in fact; and he was proceeding to make some further remarks, when he was called to order by Sir Francis Basset, who insisted that no member should use such language unless he was prepared to submit some specific proposition to the House on the subject. As this was a simple assertion, unsupported by any attempt at argument, it is impossible to conceive on what principle it was grounded. It was not only the right, but the duty, of every member of the House, when called upon, to exercise the important function of appointing a regent, to ascertain, with certainty, whether or not there existed, in the person to whom the choice of Parliament was directed, any legal disqualification for the office; and if the Prince of Wales

had been really married to a catholic, there can be no doubt that such marriage would have constituted a complete disqualification. Mr. Rolle, then, was perfectly in order, and the attempt to interrupt him only served to shew the strong prevalence of party-spirit, and the disinclination, so little creditable to the House, to discharge an imperative duty, without regard to personal considerations. Mr. Rolle, with equal propriety and firmness, repeated his expressions, and added, that the explicit disavowal of the marriage to which he referred, by Mr. Sheridan, on a former occasion, had so far convinced him as to make him vote for conferring the regency on the Prince, although he had since both heard and read, (alluding to Mr. Horne Tooke's Pamphlet) that the disavowal was not warranted. At the same time, he apprized the House of his intention (from the execution of which no threats nor opposition should deter him) to move several clauses, relating to the point in question, when the bill should be brought in. This allusion to Mr. Tooke's Pamphlet led Lord North to observe, that the author had begun with declaring, that the marriage act *was no law*; and if assertions, stating an act passed by King, Lords, and Commons, to be no law, were to obtain belief.

we were in a state of nature, and there was an end of all government.

The resolutions having now finally passed the Commons, were communicated to the Lords, at a conference, on the following day. They were taken into consideration by the House of Peers, on the twenty-second of January, when they were defended, on the one hand, by Earl Camden, Lord Sydney, the Marquis of Carmarthen, and the Lord Chancellor,* and opposed, on the other, by the Bishop of Landaff, Earl Fitzwilliam, Lord

* During these discussions, Mr. Pitt and his friends were extremely suspicious of the Chancellor Thurlow, whose conduct, at the time, extorted the applause of the public for its firmness and consistency; but who, as his associates well knew, had frequent conferences with the Prince of Wales and Mr. Fox, at Carlton House. And there was good reason to believe that, before the Chancellor first delivered his sentiments on the regency, in the House of Lords, in strong and decisive terms, he had actually made his terms with the Prince's party.

Lord Loughborough, it is well known, was to have been Chancellor, on the establishment of the regency; but, as he was sitting on the bench, in the Common Pleas, one day, during the discussions on the subject, Mr. Fox went to speak to his lordship, and told him that he must give up all thoughts of the seals, as it was of the utmost consequence to secure Lord Thurlow, whom nothing else would satisfy. This fact is stated upon such authority as does not allow me to doubt of its authenticity.

Sandwich, Lord Loughborough, Lord Stormont, and Lord Portchester. The last nobleman, in particular, delivered his sentiments with great warmth, and arraigned the ministers as *usurpers*, for having presumed to retain their offices, after the established incapacity of their Sovereign. Had they, however, immediately *abandoned* their posts, for *resignation* was out of the question, there being no legal officer into whose hands the seals of office could be resigned, anarchy must inevitably have ensued, and a most severe responsibility would have attached to their conduct. Nothing new, however, in the way of argument, was offered, and, on a division, the resolutions were carried by a majority of twenty-eight, except the last two, which were reserved for discussion on the following day, when another debate ensued, still unmarked by any novelty of reasoning, and those resolutions finally received the sanction and concurrence of the House. This being communicated to the Commons, Mr. Pitt moved, on the 27th of January, "that a committee be appointed to attend his royal highness the Prince of Wales, with the resolutions which have been agreed to by the Lords and Commons, for the purpose of supplying the defect of personal exercise of the royal authority during his Majesty's illness, by em-

powering his royal highness to exercise such authority, in the name, and on the behalf, of his Majesty, subject to the limitations and restrictions which the circumstances of the case appear at present to require; and that the committee do express the hope which the Commons entertain, that his royal highness, from his regard to the interests of his Majesty and the nation, will be ready to undertake the weighty and important trust proposed to be invested in his royal highness, as soon as an act of Parliament shall have been passed for carrying the said resolutions into effect." A debate, or rather conversation, followed this motion, in which Mr. Pitt was reproached, in strong language, by Mr. Grey and Mr. Burke, with having acted on no regular plan or system, in the conduct of this important business, and with having treated the Prince of Wales with marked disrespect, by sending to his royal highness an ordinary summons to attend the privy council, when the physicians were examined before it, previous to the meeting of Parliament; by neglecting to apprize him of the intended restrictions on the regency before they were discussed in Parliament; and by afterwards communicating them in an unbecoming manner.

To this Mr. Pitt answered, that, as to the first charge, he might easily get rid of it, by transferring any blame which might be supposed to attach to it to the lord president of the council. He disdained, however, to avoid taking his share of the blame which might be deemed imputable to any measure of that respectable and venerable personage, with whom it was the pride and happiness of his life to act. In regard to the charge of not previously consulting the Prince, he was ready to acknowledge its truth. His Majesty's ministers had not conceived it to be their duty to receive orders from the Prince of Wales, at a time when they were the servants of the crown, and when his royal highness was in no political capacity whatever, nor had any authority to give his Majesty's ministers a single order of any description. They felt that their's was the responsibility for every step which they took, and they knew that their's ought, of consequence, to be the discretion. With respect to that charge, relating to the summons,* and stating, that his royal highness had received no other than the ordinary notice sent round to every other member of the council, it was, evidently, founded on gross misinformation. So far from its being true, his royal highness had received a special letter, written by the

Lord President of the council, stating the subject to be submitted to the privy council, and the business to be entered upon;—the Prince, therefore, had been summoned in a manner the most respectful, and totally different from that in which any other member of the privy council, excepting only the Princes of the blood, had been summoned.

The next charge Mr. Pitt said affected himself personally; it was that of not informing the Prince of the measures which he meant to propose to Parliament. The truth of this fact, also, he must admit. But he begged to remind gentlemen of the circumstances which had led to the fact now complained of. He had resolved, as soon as a plan should be adjusted, to impart it to the Prince, before he stated it to the House, but, in the course of the preliminary debate, on the question of right, he had been particularly called upon to state the general outlines of his plan, by Mr. Fox, who declared, that such information would be equally desirable to him and to his friends. When so called upon he could not possibly, without giving offence to the House, withhold the information requested. The very next day his plan was communicated to the Prince. As to the disrespectful mode in which the communication was made, report had gone to such an extra-

vagant length, that he believed it had gained credit about town, and he was sure it had been circulated in the country, not only that a message had been sent by a livery-servant, but that the message had been a verbal one. The truth, however, was, that the communication had been made respectfully in writing, and the letter had been sent by a special messenger. Perhaps, he said, there might be a failure of respect in this mode of communication. No man, he acknowledged, was more ignorant of etiquette than he was; but he was conscious of no intention to show disrespect to his royal highness. He had repeatedly made communications to his royal highness before, in precisely the same mode, without incurring the smallest animadversion for a failure in etiquette, or for a breach of respect; and, during the five years that he had been in administration, he had never communicated any of the numerous papers and dispatches which he had, from time to time, had occasion to transmit to his Majesty, in any other manner; and he certainly had never intended to shew disrespect to the Prince of Wales, in the instance alluded to, more than he had intended to shew to his Majesty, during the period for which he had been honoured with the royal confidence.

Mr. Pitt declared, in the course of his

observations on this subject, that he considered respect to the Prince of Wales as a part of his duty to his Sovereign. But though he should be extremely sorry to be deficient in that exterior and ceremonious respect, which was justly due to his royal highness, yet what he owed to his Sovereign, to the constitution, and to the people of England, was paramount to any personal respect due any where. Though it was paramount, however, to all degrees of personal respect, it was not inconsistent with such a compliance with decorum;—he ever had, and he ever would, pay the same respect to the Prince of Wales, as to all the rest of the royal family, or to the Sovereign himself. The truest respect he could pay to all of them was to cultivate the interests of that nation, which the ancestors of the present royal family were called upon to govern, and to watch over the safety of that constitution, which his royal highness the Prince of Wales would, one day, be called upon to protect. A better answer could not be given to his accusers. Mr. Pitt's motion passed without a division; as well as another for transmitting the resolution relating to the care of the King's person and household, to the Queen; and expressing a hope that her Majesty would be graciously pleased to undertake the important trust proposed to be

invested in her, as soon as an Act of Parliament could be passed for carrying the resolution into effect. The concurrence of the Lords having been obtained to these resolutions, they were presented to the Prince of Wales and the Queen. The Prince, in his answer, thanked the joint committee of Lords and Commons, appointed to wait on him with the resolutions of the two Houses, for communicating them to him, and requested them to assure the two Houses, that his duty to the King, his father, and his anxious concern for the safety and interests of the people, which must be endangered by a longer suspension of the exercise of the royal authority; together with his respect for the united desires of the two Houses, outweighed, in his mind, every other consideration, and would determine him to undertake the weighty and important trust proposed to him, in conformity to the resolutions then communicated to him. He was sensible, he said, of the difficulties which must attend the execution of that trust, in the peculiar circumstances in which it was committed to his charge, of which, as he was acquainted with no former example, his hopes of a successful administration could not be founded on any past experience. But, confiding that the limitations on the exercise of the royal autho-

rity, deemed necessary for the present, had been approved by the two Houses only as a temporary measure, founded on the loyal hope, in which he ardently participated, that his Majesty's disorder might not be of long duration, and trusting, in the meanwhile, that he should receive a zealous and united support in the two Houses, and in the nation, proportioned to the difficulty attending the discharge of his trust, in that interval, he would entertain the pleasing hope, that his faithful endeavours to preserve the interests of the King, his crown, and people, might be successful.

The Queen observed, that her duty and gratitude to the King, and the sense she must ever entertain of her great obligations to this country, would certainly engage her most earnest attention to the anxious and momentous trust intended to be reposed in her by Parliament.—It would be a great consolation to her to receive the aid of a council, of which she stood so much in need, in the discharge of a duty wherein the happiness of her future life was indeed deeply interested, but which, a higher object, the happiness of a great, loyal, and affectionate people, rendered still more important.

All the preliminary measures relating to the regency being now completed, and it only

remaining to give them legislative force and effect, the next step which it was proposed to take, after the answers of the Queen and Prince had been communicated to Parliament, and ordered to be printed, was to empower the Chancellor to put the great seal to letters patent for opening the Parliament, by means of a commission to be appointed for that purpose. It was precisely at this point of their proceedings that Parliament might have had recourse to the measure before suggested, and have followed the example of our ancestors at the period of the revolution. The regency had now been accepted by the Prince, subject to such modifications and restrictions as Parliament had deemed necessary, under the peculiar circumstances of the case. There could then be no reason to apprehend that, when regent, his Royal Highness would withhold his consent from those restrictive regulations to which he had previously acceded, and which had been made, by Parliament, the specific condition of his appointment. He might, therefore, without danger,—and let it be remembered, that this point must be argued on general principles, and without any reference to the particular individual who happened to be Prince of Wales at the time,—have been appointed regent, before the bills, for carrying the resolutions of Parliament into

execution, were passed into laws.—The royal assent would then have been given to the bills by a legal organ, without having recourse to a fiction, justifiable only by the absolute necessity of the case; and that necessity, if proved to exist, would, perhaps, have equally sanctioned the two Houses in imposing the restrictions, and in enforcing the other necessary measures, by their own authority alone.—It was, however, otherwise determined; and the question was argued in the House of Lords, on the 30th of January. The Lord President of the Council observed, that being still merely a convention, they could do no one legislative act, till they were enabled so to do by the presence or assent of the Sovereign. Deprived of the assistance of his Majesty, in his *natural capacity*, they were compelled to resort to his *political capacity*. There was but one organ by which this assistance could be obtained, and that organ was the great seal. His Lordship said, he knew that this mode of proceeding had already been ridiculed as a *phantom*. But would those, he asked, who were thus free of their ridicule, impart any other mode by which they could be extricated from their present difficulties? He said, that those who treated the means to be proposed, with ridicule, were ignorant of the laws of the country. A fiction these means might

be termed, but it was a fiction admirably calculated to preserve the constitution, and, by adopting its form, to secure its substance. This fiction, in the first place, kept the Throne entire, if the King should be living, but incapable, in his natural character, of exercising the royal authority, Secondly, No bill which had not the King's name at the head of it, and, therefore, purported to be of Royal authority, could have a legal effect, a deficiency which this fiction would cure. Thirdly, if a King should, for a time, be deprived of the power of exercising the royal prerogatives personally, either on account of his non-age, or from his incapacity, through illness or otherwise, to attend Parliament, on his return to the power of acting as Sovereign, he would, from the use of this fiction, perceive that all his prerogatives had been carefully preserved.

The commission, his lordship proceeded to observe, must be issued by some authority; and, being once issued, with the great seal annexed to it, it must enforce obedience. He thought the two Houses, and they alone, had the power to direct the great seal to be put to the commission. The great seal, he added, was the high instrument, by which the King's *fiat* was irrevocably given; it was the mouth of royal authority, the organ by which the Sovereign spoke his

will. Such were its efficacy, and its unquestionable authority, that even were the Lord Chancellor to put the great seal, from caprice, to any commission, it could not be afterwards questioned; though such an act would, in effect, be a misdemeanour, yet it could make letters patent of such validity, that the judges themselves could not call them in question. If an Act of Parliament, passed by authority of a commission, issued under the great seal, and was indorsed with a *roi le veut*, it was valid. It must be received as a part of the statute law of the land, and could not be disputed.

His lordship referred to different periods of our history for circumstances analogous to the present, in order to justify the particular mode of proceeding now proposed to be adopted; and he apprised the House of the necessity which existed for a second commission under the great seal to give the royal assent to the regency bill, when it should have regularly passed through both Houses. He here adverted to a precedent, when Lord Hardwicke was Chancellor, who put the great seal to two separate commissions in the King's name, when the King was ill, and thought to be in danger. He assigned, as a last reason for passing the Regency Bill, that if such a measure did not pass, the present ministers would, of necessity, be obliged to retain their

places, because, without such a bill, they could not, possibly, resign their offices. He concluded by moving, that it was expedient and necessary that letters patent, under the great seal of Great Britain, should be issued by the authority of the two Houses of Parliament, in the usual form and tenour. In this commission were inserted the names of the Prince of Wales, the Duke of York, and the Dukes of Cumberland and Gloucester. But the Duke of York desiring that his name might not appear in a place where his approbation of measures which he considered as unconstitutional and illegal might be inferred, and that the name of the Prince might also be erased; and a similar wish having been expressed by the Duke of Cumberland, in behalf of himself and his brother, the names of the four Royal Personages were withdrawn; when the motion passed without a division.

The resolution of the Lords being transmitted to the Commons, Mr. Pitt, on the 2d of February, moved for their concurrence therein. A long debate ensued, though no division took place. The resolution was defended, generally, on the ground that it afforded the only legal sanction to the proceedings of Parliament, of which the necessity of the case admitted; and it was opposed on the plea, that however their proceedings might be made formally legal, yet

being substantially and historically otherwise, it would have been much more safe, that the whole case should stand upon its own ground, distinguished as an irregular proceeding, justified only by necessity, than to call in counterfeit props to support it. On the following day, the Commons attended the House of Lords, when the commission was read. The Lords Commissioners were the Archbishop of Canterbury, Earl Bathurst, (who officiated as Speaker, in the absence of the Chancellor) the Lord Privy-seal, the Marquis of Carmarthen, Lord Sydney, and the Lord Chamberlain. Earl Bathurst informed the Commons, that the illness of his Majesty had made it necessary that a commission in his name should pass the great seal, which they would hear read. It was, accordingly, read by the Clerk, when Earl Bathurst addressed the Parliament in a short speech, in which he said, that in pursuance of the authority given by the commission, amongst other things, to declare the causes of their present meeting, he had only to call their attention to the melancholy circumstances of his Majesty's illness; in consequence of which it became necessary to provide for the care of his Royal Person, and for the administration of Royal Authority, during the continuance of that calamity, in such manner as the exigency of the case seemed to

require. On the same day, Mr. Pitt moved for leave to bring in the Regency Bill, and on the next day it was brought in, and read a first time, without any debate. When proposed, however, to be read a second time, on the 6th of February, it was attacked, with great eloquence, but with still greater intemperance, by Mr. Burke, whose irritability of temper seems to have betrayed him into expressions, which no member ought to use, and which the House ought not to tolerate. He accused Dr. Willis of rashness, impetuosity, and presumption, in taking upon him to fix the probable duration of his Majesty's illness. Alluding to the restoration of the King to a capacity to resume the exercise of regal authority; he exclaimed, "Of his sanity, should God restore it, where was the confirmation? with a junto—an obscure and contemptible *council!* manifestly *not wishing to produce a sound King*, but to usurp the Government without one—where a proclamation was to supersede the two Houses—a proclamation from authority existing no more—for the King governs not—but is governed!"* He taxed the bill with reviving the doctrine of divine right, which had been exploded on the

* An impartial Report, &c. p. 476.

expulsion of the House of Stuart in favour of another House. "In the ideot abominations of the Stuart race, *divine right* was the assumption of the Prince alone! it was now more monstrously to be usurped by the Minister!" "The bill," he said, "was not only to degrade the Prince of Wales, but the whole House of Brunswick, who were to be *outlawed, excommunicated,* and *attainted,* as having forfeited all claim to the confidence of the country."

This extraordinary declaration having excited the smiles of several of the members, Mr. Burke's indignation rose with his climax, and he directly charged the House "with degrading the Royal Family; sowing the seeds of future distractions and disunion among them, and proceeding to act *treasons,* for which the justice of the country would one day overtake them, and bring them to trial!" Here he was called to order by Mr. Pitt, who observed, that, when Mr. Burke chose to indulge himself with a direct attack upon him, in the style of invective, in which he was accustomed to deliver himself in that House, he seldom thought it worth his while to interrupt him, or, indeed, to make him any answer, because his speeches, from their extraordinary style, and the peculiarly violent tone of warmth and of passion with which they were generally delivered, they seldom failed

to make that impression, which those to whom they were directed wished them to make; but, when the acts of the House were called in question, and a bill, avowedly founded on principles which the House had sanctioned, by their vote, after much discussion and debate, in the form of distinct resolutions, were said to amount to the *out-lawing*, *excommunicating*, and *attainting* the whole House of Brunswick; and the House were told distinctly, and unequivocally, that they were proceeding *to act* TREASONS, for which, at a future day, they would be overtaken by the justice of the country, and brought to trial, he did hope that the House would interpose their authority, and when such a violent breach, not only of order, but of common decency, was committed, that they would oblige gentlemen to restrain their violence, and not, under the pretence of passion, suffer themselves to be betrayed into such irregular, disorderly, and unmanly conduct.

Almost every clause of this Bill produced some discussion, in which each side urged anew the same arguments which had been advanced, in support of their respective opinions, during the preceding debates on the resolutions. On that clause being read, which enacted, that all the powers and authorities of the regent should cease and determine, in case " His said Royal

Highness, George-Augustus-Frederick, Prince of Wales, shall not continue resident in Great Britain, or shall at any time marry a Papist." Mr. Rolle proposed, by way of amendment, to make an addition to the Clause, for the purpose of excluding from the regency any person proved to be married, *either in law, or in fact*, to a Papist, or one of the Roman Catholic persuasion. In proposing this amendment, Mr. Rolle most positively denied having had any communication with the minister on the subject, and declared that he was actuated solely by his regard for the general interests of the kingdom, and by his wishes for the security of the Protestant succession. The amendment was opposed by Lord Belgrave, from his conviction, founded on the former declaration of Mr. Fox, that no marriage had taken place between the Prince, and Mrs. Fitzherbert. His lordship deprecated all further enquiry into the business, and considered the report of the marriage, as a false and libellous calumny. So long, however, as any doubt remained in the public mind, respecting the fact, it was the duty of the House to institute such an enquiry, as should effectually dispel it; and, from the discharge of this duty, they should not have suffered themselves to be restrained by any motives of delicacy, or by any considerations of a personal nature. It was their reason, and not

their feelings, which should have dictated the line of conduct which they ought to pursue. That doubts did remain, is most certain; for it was currently reported, that Mr. Fox, who had gone to Bath for his health, had absented himself, on account of a difference which had arisen among the Prince's confidential friends, on this very subject. And though there is no reason to disbelieve, that the cause assigned for his absence, by his parliamentary associates, was the *real* cause, still the existence and currency of such rumours were amply sufficient to justify the institution of an enquiry; the result of which would set the question at rest for ever.

Mr. Welbore Ellis contended, that the Act of George the Third, which pronounced the *invalidity* of the marriage of any of the descendants of George the Second, without the royal assent, was a *full* and *sufficient answer* to all these rumours, as that could not be true in fact which was not good in law. Thus inferring, that this Statute virtually repealed that important provision of the Act of Settlement, which declared that any heir to the Throne, who married a Papist, forfeited his right to the Crown. The absurdity and illegality of this inference has already been shewn; yet was it adopted by Lord North, Mr. Sheridan, Mr. Grey, Mr. Courteney, and others; while the Attorney

General, and all the other Law Officers of the Crown, observed a profound silence, a silence the most strange and unaccountable, on a question of much higher importance than any which arose out of the discussions on the regency. Mr. Dundas, however, met the question fairly. He said, that when he heard that a recent Act of Parliament was the only reply fit to be given to questions of the deepest and most serious importance, he could not submit to have a matter of such magnitude rest on such a point, nor would he agree, that the effect of the Act of Settlement was virtually done away by a posterior Act, which did not specifically repeal the clause in a statute, in which the constitution and the country were so deeply interested, as they were in the Act of William and Mary, which had been alluded to. As little disposed was he to admit, that the report which had given rise to the proposed amendment, was a question rather to be laughed at than argued. So to state it was to pay a bad compliment to the Prince of Wales, and to rest his cause on a weak and loose foundation. But Mr. Dundas regarded the solemn assurance of Mr. Fox as decisive; convinced, as he was, that if any thing had occurred to make him change his opinion on the subject, he would, at all hazards, even at the risk of his life, have come down to the

House to deliver his sentiments on the motion of Mr. Rolle.

Mr. Rolle declared, that he had no wish to divide the committee on the question, being perfectly satisfied with having done his duty, by recommending the subject to the attention of the House. He was attacked, however, first by Mr. Courteney, in a speech that was much better adapted to a company of buffoons, than to a grave assembly of legislators; and, afterwards, by Mr. Grey, with more solemn asperity, and more grave invective, who was not satisfied with condemning his conduct, but proceeded to arraign his motives. In short, if Mr. Rolle had made a motion for dethroning the House of Brunswick, he could scarcely have been treated with greater contumely and reproach. To Mr. Courteney, Mr. Rolle very properly replied, that not all his buffoonery should drive him from his purpose, which was grave and serious, and ought to be gravely argued. Mr. Pitt, with becoming seriousness, animadverted on the intemperance of Mr. Grey; and said, that it was a recollection of all the circumstances of the case, of the laws which were in being, of the declaration which had been solemnly made in that House, in a former session, as well as what had passed that day, which led him to declare, that he did not see

any ground for the institution of a public enquiry, and, therefore, he was willing to abide by the clause as it stood in the bill.—The amendment was negatived without a division.

The charge for vesting in the Queen the care of the King's person, and the management of the household, occasioned another very long and warm debate, in which Mr. Burke, alluding to a question of Mr. Pitt, who had asked,—would the House strip the King of every mark of royalty, and transfer all the dignities of the Crown to another,—exclaimed, no, God forbid! when the person wearing the Crown could lend a grace to those dignities, and derive a lustre from the splendour of his household. But, did they recollect that they were talking of a sick King, of a monarch smitten by the hand of Omnipotence; and that the Almighty had hurled him from his throne, and plunged him into a condition, that drew upon him the pity of the meanest peasant in the kingdom. This remark produced a loud call to order, and the Marquis of Graham told Mr. Burke, that neither he, nor any man in that House, should dare to say, the King was hurled from his Throne. Mr. Burke, however, justified the expression by the language of the prayer offered up in our churches for the King's

recovery, and, proceeding in the same strain, asked,—ought they, at that hour of sickness and calamity, to clothe his bed with purple?—ought they to make a mockery of him, putting a Crown of thorns on his head, a reed in his hand, and dressing him in a raiment of purple, to cry, "Hail! King of the British!" The disgust expressed by the House at this indecorous allusion, at length induced the orator to change his tone, and to arraign the clause with more chastened animation, and with more temperate eloquence.

When the clause for appointing a council to advise the Queen came to be discussed, Lord North reprobated the conduct of the minister, in excluding from it all the members of the Royal Family; and, in order to take the sense of the House upon the question, moved that the Duke of York should be a member of that council. No charge and no motion could be better calculated to embarrass the minister, or to render him unpopular. It was well understood, that a marked want of respect to the sons of that sovereign, whose minister he was, would injure him in the opinion of the well-disposed part of the community; and it was supposed, that the reasons on which the exclusion was founded, were of that refined and delicate nature as not to be rendered easily

intelligible by the majority of the nation.—Lord North, who was an experienced politician, and was perfectly conversant with parliamentary tactics, made his motion, as if the propriety of it was so self-evident, that it must immediately flash conviction on every one who heard it read, for he advanced not a single argument in support of it. Mr. Pitt, however, was not a minister to be either intimidated by threats, or deluded by artifice; the firm integrity of his principles, and the innate rectitude of his mind, supported him in every trial, and rendered him steady to his purpose, and fearless of consequences, whenever he had a public duty to discharge. In the present instance, he professed his readiness to explain the motives by which he had been influenced to omit the names of the Royal Princes in the list of the Queen's council. Possibly, he said, what he had to offer, as well as his conduct on that occasion, might be placed in the catalogue of disrespect, and be added to other imputations, so unjustly charged upon him, of meaning to manifest a want of due attention and regard to the younger branches of the Royal Family;—be that as it might, so long as he was conscious of acting upon no other principle, than an anxious desire to discharge his duty faithfully, at a period of great dif-

ficulty, he should firmly adhere to the rule of conduct which he had laid down for himself, as most advantageous to his country, and as best becoming his own character, perfectly regardless of any consequences, however personally injurious they might be to him.

The first matter to be considered was the nature of the council in question, which was to be a council of advice, and a council of advice only. It had been said to be a trust, but the trust was to advise her Majesty in the care of his Majesty's person. It was now proposed to appoint the Duke of York, the second son of the King, a member of that council. It is here necessary to state that, in a preceding part of this discussion, the Marquis of Graham had assigned, as a sufficient reason for the exclusion of the Princes of the Blood from the council, that they were so connected with the Queen by the ties of affection, that they would be, at all times, ready to give her their advice; and they could give it without responsibility; it would, therefore, be improper to appoint them to responsible situations, which would render them liable to be brought to the bar of that House and examined, when other persons of great weight, and legal knowledge, could be found to hold those situations. This reason, Mr. Pitt said, was, of itself, sufficient

to shew, that the appointment of his Royal Highness to be a member of that council, would be both unnecessary and improper; and no attempt had been made to destroy the force of the argument. Most certainly, there could be no occasion to put those Princes of the Blood, who were of course the natural advisers of her Majesty, in a responsible situation, and make them members of a council who were to advise the Queen, when called on so to do, and were to answer for that advice. In the common transactions of the care of his Majesty's person, her Majesty would naturally consult the persons of her own family; but when an act was to be done of a much more important nature, she would then call upon her council, which ought to consist of persons disinterested in the advice which they might give, (farther than as their general wishes for the restoration of his Majesty's health, which they must feel in common with the rest of his Majesty's subjects, should make them interested,) and who would necessarily be the best able to advise her Majesty. Whatever, therefore, they might do in form, it was clear that, in the appointment of the trust, whatever the advice might be that was given, the authority to act upon it should rest in a single person. Another reason why it would not be

right, as it appeared to him, Mr. Pitt said, to name the Duke of York, was grounded on those general principles upon which it had been deemed improper to let the Prince of Wales have any concern in the care of his Majesty's person. It was the situation, and not the character, of the Prince, which precluded him from a share in the office of the committee of his Majesty; he who was the Regent ought not to have any concern with the care of the King, because, being next in succession, he was not fit to interfere with it. If, therefore, the Prince of Wales was unfit for such a trust, respect to him made it necessary to extend the same general principle to the Duke of York, and the rest of the Royal Family.

Lord North stigmatised the principle on which the successor to the Crown was excluded from the council of advice, as a barbarous principle, carried to the height of barbarity; and Lord Maitland asserted, that there could be but one opinion in the country, on the propriety of admitting the Princes of the Blood into the council. Mr. Addington, on the other hand, justified their exclusion, and truly represented that principle which Lord North had reprobated, as the very principle which governed the practice of the first court of equity in this kingdom, in all cases of persons labour-

ing under the malady with which his Majesty was, unhappily, afflicted. The established rule in that court was never to appoint the heir apparent, nor even the heir presumptive, to the care of the person indisposed, but to take, as the most unexceptionable, the individual least interested in his death. The Queen, he said, stood precisely in this predicament, she was, for a thousand reasons, the most proper to have the care of the King's person, and the Prince of Wales was, on various accounts, unfit to take any share in that concern. The nomination of the Duke of York was negatived by a majority of forty-seven, that of Prince William Henry by a majority of forty-eight, and that of the Duke of Gloucester by a majority of forty-nine. While the names of Prince Edward and the Duke of Cumberland were negatived without a division.

The last clause, which occasioned much discussion, was that which provided the means for resuming the royal authority, on the recovery of the King, a matter of no small importance. It was proposed, by the clause, that when it should appear to the Queen, and to five of her council, that his Majesty was restored to health, she should, by the advice of these five members, notify the same, under an instrument signed with her own hand, as

well as by the five members of the council, and addressed to the lord president of his Majesty's privy council, for the time being, or, in his absence, to one of his Majesty's principal secretaries of state, who, on the receipt thereof, should communicate the same to the regent, and forthwith summon the privy council, in the presence of whose members the said instrument should be entered on the books of the privy council, and a copy thereof be immediately sent to the Lord Mayor of London, and be also printed in the London Gazette. Mr. Pitt, in defence of this regulation, urged, that it was of the highest importance, that the King should re-assume immediately, and without impediment, on his recovery. His right would then stand clear and undoubted, beyond the extent, and independent of the authority, of the two Houses of Parliament. They were providing for the exercise of that right, and, in so doing, they must take the constitution for their guide, that they might not be accused of trenching upon royalty; and if they went any further than the necessity of the case warranted and required, they would usurp a power of transferring the King's undoubted right to another.—When his Majesty should cease to be infirm, he must act as a King, through some ostensible channel.

It was necessary, therefore, to provide such a channel through which the Royal will might be conveyed. But it would not, in his opinion, be proper that this communication should be made through persons, whose authority, as being derived from the Regent, would expire of course on the recovery of the sovereign. He considered the majority of the council of advice, who were proposed by the clause, as forming a sufficient and responsible number for that purpose, and the more so, as it was provided that Parliament should immediately meet, when they would be enabled to check and to punish any possible impropriety which might appear in their proceedings.

On the other hand, it was contended that the notification of the King's recovery should be first made to Parliament, and that a Parliamentary address should be the necessary condition for the resumption of the royal authority, by the rightful sovereign. And this most illegal and unconstitutional proceeding, which went to the usurpation of a right, for which there not only did not exist the smallest necessity, but not even the shadow of a pretext, was most strenuously supported by those very men who had denied the existence of any right in Parliament to *appoint* a Regent, or to fetter his power with any

restrictions. Mr. Burke, in the course of his speech, on this occasion, in order to prove the uncertainty of symptoms of sanity in persons affected with the disorder under which his Majesty laboured,—read an extract from a book, which stated that some of those individuals, after a supposed recovery, had committed parricides, others had butchered their sons, others had done violence to themselves by hanging, shooting, drowning themselves, throwing themselves out of windows, and by various other ways. He was interrupted, however, by the House, who expressed the strongest sensations of horror at the extract which he had read, and at the inference evidently meant to be deduced from it. But Mr. Grey supported the propriety of Mr. Burke's conduct, and that gentleman himself justified it, on the necessity which existed, in certain cases, of sacrificing delicacy to truth.—The clause was carried by a majority of sixty-eight.

The Bill having gone through all but its last stage, Mr. Pulteney proposed to add a clause, as a rider to it, to limit the restrictions on the power of creating Peers to three years. Mr. Pitt acceded to the proposition, and, after some discussion, the motion was acceded to, and the Bill was read a third time.—On the following day it was carried to the House of

Lords.—The discussions on the different provisions of the bill occupied that House until the nineteenth of February, when the Peers had the satisfaction of being informed, by the Lord Chancellor, that his Majesty was far advanced in the recovery of his health.—The House, of course, adjourned, and both the Peers and Commons suspended all farther proceedings, until the health of his Majesty was fully restored.

The great constitutional points which the discussions on the regency involved, the important precedent which they went to establish, and the opportunity which they afforded for displaying the firmness and consistency of Mr. Pitt's character, in a novel and interesting point of view, all combine to render this an important epoch in his parliamentary, and political, life. It has been often remarked, that, on this occasion, Mr. Pitt, who had lately stood forth the champion of prerogative, proclaimed himself the asserter of popular rights; while Mr. Fox, who had been distinguished as the man of the people, appeared as the advocate of claims hostile to those rights. As applied to Mr. Pitt, the remark is neither totally just nor totally unjust. He certainly supported the rights of Parliament, but not in opposition to the prerogatives of the Crown; on the contrary, all his

efforts had, for their object, to prevent the Crown from being stript of any of its lawful appendages, more than it was absolutely necessary to vest in the regent, for the exercise and support of the Royal Authority; and to secure to the Sovereign the certain means of resuming the Kingly power, in its utmost plenitude, whenever that incapacity should cease the existence of which could alone justify the transfer of any portion of it to another. But, even here, constitutionally speaking, he was the supporter of popular rights; for he well knew, with every sound statesman and lawyer who had flourished since the revolution, that the prerogative of the Crown was an essential part of the rights of the people, which it tends to confirm and secure. Indeed, so admirably framed is the constitution of Great Britain, that the support of the *lawful* rights of either of its component parts, so far from injuring those of the other, has a direct and necessary tendency to preserve them. It is only the *unlawful* extension of the rights of either (or rather the usurpation of non-existing rights) that can interrupt the general harmony of the whole, and endanger the safety of the constitutional fabric. The various parts of the political building are so dove-tailed, as it were, that no partial shock can be sustained by them;—let any one be shaken, a general con-

vulsion follows; — destroy any one, they all become disjointed, the fabric is disfigured, it totters, and ruin ensues.

The part which Mr. Pitt had to sustain, at this important period, was a part of extreme difficulty; every step he took exposed him to suspicions the most grating to a generous and noble mind, and to reproaches which he would have shuddered to deserve. Every measure which a sense of duty led him to adopt, subjected him to imputations of interested motives, which his soul abhorred, and, while he consulted exclusively the rights of the Crown, and the welfare of the country, he incurred the odious accusation of considering only the promotion of his own views, and the gratification of his own ambition. All the arts of ingenious sophistry; all the ridicule of inventive, but distorted, genius; all the invectives of impotent malice, and all the taunts of malignant enmity, combined to produce that mental irritation which is most favourable to attack, and most hostile to defence. But the combination was vain as the rage of the winds which assail the Monarch of our woods.—Its fury was spent in fruitless efforts to shake that firmness which could only be moved by the desolation of Europe, and the calamities of the country.—His conduct was the more deserving of praise, as its certain

consequence was his dismission from office, by the regent, at a time too when his fortune was impaired, and his circumstances were impoverished, by unavoidable inattention to his personal concerns, resulting from the magnitude and extent of his official duty.

As to the doctrine advanced by Mr. Fox, and supported by his friends and followers, it could not, with any regard to propriety, be considered as calculated to maintain the prerogatives of the Crown, unless, indeed, the Crown was to be transferred to the head of the regent. —As applied to a King, their principles and opinions, and the measures which they proposed to found on them, were constitutionally correct; but as applicable to a regent, the temporary representative of a King, they were fundamentally wrong, because they went to destroy all distinction between the representative and the party represented, or rather to transfer all dignity, power, authority, and splendour, from the latter to the former, and so to create a new Sovereign, during the life of the rightful Monarch. While they deprecated all discussion which had a personal reference to the Prince of Wales, as indecorous and improper, they allowed themselves the utmost latitude of remark on the King and Queen, on the plea that delicacy should yield to truth.—Their conduct, too,

could not be exempt from the suspicion of interested motives, because all the power and prerogatives which they claimed for the Prince would, they knew, be employed to honour and enrich themselves, who, in contempt of decency, endeavoured to influence the Parliament by publicly declaring, very early in the discussion, that they were to be the Ministers of the Regent.

The avowed determination to dismiss all the confidential servants of the Crown was regarded, by the nation, with astonishment and concern. It was considered that, as the regent was professedly to *represent* his Father and his Sovereign, during the period of his illness, which there was good reason to believe would be short, it would be natural for him to act, as far as possible, precisely as his father would have acted, had he retained his capacity, and kept possession of the Supreme Authority in the state. —His Majesty having so recently, on a very important occasion, manifested his opinion of the merits of the two great parties which divided the country and the senate, the regent could not be ignorant either of the principles which he preferred, or of the system of government which he was resolved to pursue. If he had acted, then, on other principles, and on a different system, he could not, strictly speaking, have been regarded as the *representative* of the

King;—for the representative of a person differs essentially from the representative of a people;—the latter, though chosen by a few, represents the whole, and is bound to consult the interests of the aggregate body, even when opposed to the interests of the individuals by whom he has been elected;—but the former represents the individual only, whose rights he enjoys, whose duties he discharges, whose place, *pro tempore*, he supplies, and in whose name alone he acts.—It is not meant to contend, that a regent was legally bound so to act;—but only that, under the peculiar circumstances of the present case, it might be reasonably expected that he would so act. The power of chusing his own political servants, it was highly proper he should possess; but the possession of that power by no means implied the necessity of dismissing, in order to display an independence of action, those servants who had been long honoured with the approbation and confidence of the Sovereign, whom he was appointed to represent.—Fortunately, the bounty of Providence, by restoring to his Majesty the inestimable blessing of health, secured the nation from those inconveniences which might naturally have been expected to result from such a state of things.

While the British Parliament were employed in discussing the provisions of the

Regency Bill, with that serious attention which the importance of the subject so imperatively required, the Parliament of Ireland acted with more precipitation, and with greater decision.—The session was opened by the Lord Lieutenant, (the Marquis of Buckingham) on the fifth of February, who, in his speech, informed them of his Majesty's indisposition, and of the directions which he had given for all the documents relating thereto to be laid before them. Mr. Fitzherbert, the Secretary to the Lord Lieutenant, moved for a short adjournment of the House of Commons, evidently for the purpose of gaining time, to know what measures, relating to the regency, had been adopted in this country.—The motion, however, was opposed by Mr. Grattan, and rejected, after a violent debate, by a majority of fifty-four. At the same time, the business of the supply was postponed, in opposition to the Chancellor of the Exchequer, till the twelfth of February. On the eleventh, Mr. Conolly moved, that an address should be presented to the Prince of Wales, requesting him to take upon himself the government of the kingdom of Ireland, during the continuance of his Majesty's present indisposition, and *no longer*, and under the style and title of *Prince Regent of Ireland*, and in the name, and on the behalf, of his Majesty, to exercise and

adminster, according to the laws and constitution of that kingdom, all regal powers, jurisdictions, and prerogatives, to the Crown and Government thereof belonging.—This precipitate measure, even the *legality* of which was doubtful, was ably and strongly, though ineffectually, opposed by Mr. Fitzgibbon, the Attorney-General, and was supported, principally, by Messrs. Ponsonby, Grattan, and Curran. On the sixteenth, a similar address was moved for by the Earl of Charlemont, in the House of Lords, where it was carried by a majority of nineteen. On the nineteenth, the two Houses waited on the Lord Lieutenant, with their address, and requested him to transmit the same. The Marquis, however, informed them, that, under the impression which he felt of his official duty, and of the oath which he had taken, he was obliged to decline transmitting their address to Great Britain;—for he could not consider himself warranted to lay before the Prince of Wales an address, purporting to invest his Royal Highness with powers to take upon him the government of that realm, before he should be enabled by law so to do.

The Lord Lieutenant's answer was entered on the journals of the House of Commons, which, on the motion of Mr. Grattan, resolved to appoint some of its own members to carry the ad-

dress to the Prince of Wales; and Messrs. Conolly, O'Neil, Ponsonby, and Stewart, were nominated commissioners for that purpose. The Lords, proceeding *pari passu* with the Commons, named the Duke of Leinster and the Earl of Charlemont as their commissioners on the occasion. Mr. Grattan, elated with the majority which he had obtained, next moved, that the two Houses of Parliament had discharged an indispensable duty in providing for the *third estate** of the Irish constitution, (rendered incomplete through the King's incapacity) by appointing the Prince of Wales Regent of Ireland. Having carried this point also, he proceeded to move, that it was the opinion of that House, that the answer

* The *three* estates of the realm consist of—1. The Lords Spiritual; 2. the Lords Temporal; 3. the Commons; and these being complete, there could be no occasion to *provide* for any one of them. If Mr. Grattan were not conversant, as it would seem, with the language of the *Bill of Rights*, he might, without the trouble of a reference to Nailson's collection of State Papers, or any other historical documents, have collected this constitutional information, of which he evidently stood much in need, from the second resolution of the British House of Commons, on the subject of the Regency. It is rather strange that Mr. Ponsonby, who *has been* Chancellor, and Mr. Curran, who *is* Master of the Rolls, should have joined to render the ignorance of the Irish Parliament of that day,—or, at least, the majority of them,—on so plain a constitutional point, a matter of record.

of his excellency, the Lord Lieutenant, to both Houses, in refusing to transmit their address, was ill-advised, and tended to convey an unwarrantable and unconstitutional censure on the conduct of both Houses. The Attorney-General proposed to amend the motion, by prefixing to it the following words: "That this House, uninformed of the motive which impressed his excellency's mind, and unacquainted with his private instructions, or the tenor of his oath, is of opinion," &c.—This amendment being rejected, Captain Burgh proposed another, by adding the following words to the original resolution: "Inasmuch as the said Lords and Commons have proceeded to appoint his Royal Highness, Regent, *illegally and unconstitutionally*," &c.—This amendment was also negatived, and Mr. Grattan's motion was afterwards carried by a majority of thirty-two.

The address was accordingly presented, on the 26th of February, by the appointed delegates, to the Prince of Wales, who, in his answer, observed, that what they had done, and *the manner of doing it*, was a new proof of their undiminished *duty to the King*, of their uniform attachment to the House of Brunswick, and their constant attention *to maintain, inviolate, the concord and connection between the kingdoms of Great Britain and Ireland*, so indispensably

necessary to the prosperity, the happiness, and the liberties of both.

If the *manner* of appointing the Prince Regent, by the Parliament of Ireland, were to be considered as a proof of their duty to the king, and of their attachment to his family, it is evident that the conduct of the British Parliament, who had adopted not only a *different*, but an *opposite*, manner of doing the same thing—opposite in *principle* as well as in *form*,—must be subject to a very different interpretation. And thence it is evident, that the advisers of his Royal Highness, though they did not deem it prudent to express their disapprobation of the proceedings of the British Parliament, in his immediate communications to the two Houses, made no scruple to render him the channel for the conveyance of their censures, to a quarter in which, they knew, they would be thankfully received, and faithfully re-echoed.—

In their addresses, the Irish Parliament expatiated largely upon the virtues of the Prince, with great propriety; for in praise of his personal accomplishments, his polished manners, his liberal, humane, and charitable disposition, too much could not be said.—As, by this time, the most manifest symptoms of approaching recovery had appeared in his Majesty, the Prince postponed his answer to the

delegates, respecting the acceptance of the proffered officer for a few days; — and before the expiration of that term nothing was left for his Royal Highness to perform, but the pleasing and grateful task of announcing the resumption of the royal authority, by the rightful sovereign, and of dismissing the delegates with appropriate thanks.

But this measure was not suffered to pass the Irish legislature, without a solemn protest against its illegality, by several of the peers, who saw the proceeding in a totally different point of view from that in which it had been considered by the advisers of the Prince of Wales. Sixteen lords, with the chancellor at their head, expressed their dissent from the address: 1st. *Because* it was an address requesting the Prince to take upon him the government of that realm, in such manner as was therein mentioned, and to exercise and administer, according to the laws and constitution of that kingdom, all royal powers, jurisdiction, and prerogatives to the crown and government thereof belonging, *without any law or authority whatsoever,* that they knew of, authorising him so to do.—Secondly, Because they were apprehensive that the said address might be construed to be a measure tending *to disturb and weaken that great constitutional union,* whereby, as

fully declared, enacted, and specified in sundry Acts of Parliament in that kingdom, the realm of Ireland was for ever united and knit to the imperial crown of England, and as a member, appending and rightfully belonging thereto. And, Thirdly, because, although in every sentiment of duty, affection, and respect, towards his Royal Highness, they held themselves equal to, and would not be exceeded by, any of those who joined in the said address, or by any other person whatsoever; and were, and ever should be, ready to lay down their lives and fortunes in the support and maintenance of the just rights of their most gracious sovereign, and of every branch of his royal and august family; they could not pay any compliment to his Royal Highness, or to any one, at the expense of what they considered as great constitutional principles, and they could not join in the said address, which might, as they apprehended, bring difficulty and embarrassment upon his Royal Highness, already too much oppressed by the great calamity which had befallen their most gracious sovereign, his royal father.

Lord Glandore, in addition to the second of these reasons, assigned another as the motive of his protest;—because, feeling every sentiment of duty, respect, and attachment to the Prince,

and thinking him the only proper person to be appointed to that high station, he considered, that an address to his Royal Highness, to accept the regency of Ireland, before they had any authority to know that he was, as yet, appointed regent of Great Britain, was inviting him to assume a power which, under the actual and existing constitution of Ireland, he could not exercise, inasmuch as by the statute 10, of Henry VII. no bill could receive the royal assent there, which was not certified from Great Britain under the great seal of England, and until his Royal Highness should have authority to direct the use of that great seal, he could not discharge the functions of the regal office in Ireland. It was impossible, according to the laws and constitution of that kingdom, that any person should be regent of Ireland, who was not, at the same time, regent of Great Britain.

Lords Tyrone and Bellamont, with the bishops of Ossory and Ferns, dissented; 1st. Because, with an anxious desire that the regency of the kingdom should be conferred on his Royal Highness the Prince of Wales, in a manner most expressive of respect and affection to his Royal Highness, and convinced that his Royal Highness would think that mode of appointment, most expressive of duty and

affection, which was constitutional, and must conduce to preserve the connection between Great Britain and Ireland inseparable, they considered an address of the two Houses of Parliament, purporting, of its own authority, to confer royal power, at a time when they were fully competent to pass a bill for the purpose of effectually providing for the exercise of the same, to be a most dangerous violation of the fundamental principles of the constitution: secondly, because the connection between Great Britain and Ireland, (on which the safety of the constitution in church and state depended) was preserved and maintained by the unity of the executive power alone; and yet the address proposed by the resolution then passed, was to appoint his Royal Highness Regent of Ireland, without a certainty that he was, or would be, Regent of Great Britain, and without making any provision that his Royal Highness should not continue to be Regent of Ireland, longer than he should be Regent of Great Britain; thus exposing to chance and accident the only bond of that connection between the countries, upon which all that was dear to them depended, and making a precedent that might be of the most fatal consequence to posterity.

The Lords Carhampton and Conyngham adopted the first of these two reasons, and far-

ther added, because they considered that if, by virtue of that address alone, the Prince of Wales should take upon himself the regal powers of that kingdom, his Royal Highness would, by such assumption, be drawn in to decide upon an important constitutional question, equally affecting Great Britain and Ireland.

And, also, because they considered these words in the address, "*and no longer*," as unnecessary and at the same time disrespectful to the Prince of Wales, tending to convey an idea that that country could confer, or that the Prince might continue to hold over, the powers of a regent for a longer time than the continuation of the King's indisposition incapacitated his Majesty from being restored to the full exercise of the powers appertaining to the Crowns of Great Britain and Ireland.

There certainly was a great deal of reason in this last objection, for it was perfectly absurd to introduce the words "and no longer," unless the Parliament had the power to extend the period of the regency to a longer term than the termination of the King's illness. But the fact appears to have been that the resolutions were drawn up without reflection, as without judgment. The whole measure was marked by that precipitation, and by that spirit of party, which

are highly disgraceful to deliberative bodies, who ought always to act from reason and not from feelings; from principle, and not from prejudice. —It has been seen, that some of the wisest and most able men in Ireland who signed these and other protests, differed, radically, in their opinion of the tendency of the address from the council at Carlton House; *they* considered it as no proof of duty to the King, or of attachment to the House of Brunswick; but as calculated to destroy the concord which subsisted between the two kingdoms, and to burst asunder the bonds of connection by which they were united.

Long before the meeting of the Irish Parliament, it was well known what part would be taken, on the question of the regency, by those who had been in the habit of calling themselves, exclusively, the *Patriots of Ireland.* Many of them had, on former occasions, decidedly ranged themselves under the standard of that great English party, which had been some time in eclipse, but which was soon expected to shine with redoubled light and influence. The policy of the English opposition had been long directed to the maintenance of a subordinate party in Ireland, which were pledged to rise or fall with their English friends and political creators.— Some of the chiefs of this confederacy, previous to the meeting of the Irish Parliament, had re-

paired to England, for the purpose of receiving instructions, respecting the conduct to be observed on this important question.

As an opinion prevailed, in the Irish Parliament, that the King's health, from the nature of his malady, could not be so far re-established as to enable his Majesty to re-assume the exercise of the regal power, a great majority of that assembly resolved to worship the Rising Sun, by voting with the leaders of the confederacy who had announced their determination to address the Prince of Wales to take upon him the government of Ireland, without any restrictions whatever. Among those who joined this party, were to be found not only persons who had uniformly served the government, in consequence of enjoying very lucrative employments, but even some officers of the Crown, who had, for many years, filled very high situations in the confidential departments of the state. The executive government, thus deserted by those who were bound, by the ties of honour and of gratitude, to support it, was obliged to yield implicitly to the dictates of the confederacy.

It is certain, that the precipitate conduct of the Irish Parliament was well calculated to sow the seeds of jealousy, and of enmity, between the two kingdoms, by unnecessarily forcing the discussion of a question, the decision of which pointed to

a *possible*, if not a *probable*, separation; to accomplish which a great majority of the Irish Romanists, with the aid of the enemies of the empire, have constantly laboured. The experience of past ages should serve as a guide to the present. The torch of history should irradiate, with its brilliant, but steady, light, the policy of nations. History, indeed, has been truly characterised as philosophy teaching by experience. What were the great objects of the Parliament of James II. in 1689? What were the means adopted for the attainment of these objects? And what must have been the necessary consequences of such attainment? The objects were an entire separation of Ireland from the Crown of England. A total and absolute independence. A distinct and exclusive kingdom of Ireland—an annihilation of the Protestant Religion, and a destruction of English influence, and of English property in Ireland. The means adopted were, the formation of a Parliament purely Irish, acts of independence and attainder, an alteration of the property of the Church, and a repeal of the act of settlement, for the purpose of facilitating the projected attacks on the property of the Protestants, which actually passed in that very Parliament. These were all acts of imperial state, of King James, under the great seal of Ireland;—and

the consequence which they produced was war with England, undertaken, on her part, on the strong ground of political necessity.

The majority of the Irish Parliament, who thus deserted the government, joined the confederacy, and voted for the address to the Prince of Wales, were denominated *rats*, from a familar allusion to the known prudential instinct of those animals which leads them to quit a falling house or a sinking ship. As soon as his Majesty's convalescence was announced, they were filled with consternation, fearing that they should be deprived of their lucrative employments. They, therefore, entered into a combination, and signed what the sailors call a *round robin*, by which they mutually agreed to unite in resisting the government, and in impeding the progress of public business, should any one of them be dismissed from his situation.

Any one, conversant with the principles of the constitution, must immediately perceive the absurdity of this procedure of the Irish Parliament. The absolute indivisibility of the two Crowns, uniformly sanctioned by the concurrence of numerous English and Irish Statutes, is founded on the necessity of providing, in the most effectual manner, for the maintenance of the ancient rights of the English Crown, for the promotion of the solid and permanent interests

of both countries, and for the support of the English laws and constitution, granted to, and received by, the people of Ireland; all which salutary purposes can be attained only by keeping, entire and unimpaired, the unity of the supreme executive and controlling power, in which consist the strength of the whole, and the security of every part of the British Empire.—The great seal of England is the symbol of that power; it is the only evidence of the Royal will, and is essential to give full force and efficacy to every act of state. On this principle, it was enacted, by the twenty-first and twenty-second of George III. cap. 47, in the Irish Parliament, that no bill can become an act of that legislature, unless it shall have previously annexed thereto the authoritative stamp of the great seal of England; which the Irish Parliament considered as an unequivocal mark of the Royal approbation, and as the bond of union and harmony between the sister kingdoms. Of the acts, by which this principle is recognised and established, it will be sufficient to mention those of the thirty-third of Henry VIII. cap. 1. and the fourth of William and Mary, cap. 1. passed in Ireland. By the former it is enacted, "that "his Majesty, his heirs and successors, be, from "henceforth, named, called, accepted, and "reputed. and taken to be, Kings of this land

" of Ireland, to have, hold, and enjoy, the said " style, title, majesty, and honours, of King of " Ireland, with all manner of pre-eminences, pre- " rogatives, dignities, and all other the premises, " unto the King's highness, his heirs and suc- " cessors, for ever, *as united and knit to the Im-* " *perial Crown of the realm of England.*" It is also declared, that if any person, " by writing, " or imprinting, or any exterior act or deed, occa- " sion disturbance of the King's title, he or they " are guilty of high treason, and shall suffer " death, forfeiture of lands, &c." The act of William and Mary enforces the same objects, but in terms of still greater strength. Now, if the Parliament of Ireland could chuse and nominate a Regent of Ireland, it could, and probably would, assert a right to elect an executive power, different from that of England, which must, in such case, exercise the King's authority, without the known symbol of the Royal will, in direct opposition to it, and in violation of the Irish laws above cited.

The following incident, which occurred at this time, had a great influence on the politics of Ireland, and contributed materially to produce that anarchy and confusion, which, for many years, disgraced and agitated that country; and which finally terminated in the dreadful rebellion of 1798. Mr. William

Ponsonby, afterwards created Lord Ponsonby; who headed a strong party in the House of Commons, was very zealous in promoting the address to the Prince of Wales; although he and his partisans had, for many years, enjoyed places of very great emolument under the government, which he had uniformly supported. Mr. Ponsonby and his friends, having joined in the *round robin*, mentioned above, in order to secure their situations, were, under the general amnesty, left in quiet possession of them; but he afterwards declared, that although he would at all times serve the King's government, his regard to consistency would never permit him to support a lord-lieutenent, on whose administration he had voted a Parliamentary censure. As, by refusing to support the measures of the viceroy, he would virtually oppose the King's government, the marquis of Buckingham required, that Mr. Ponsonby should give a written explanation of the Parliamentary conduct which he meant to pursue; in consequence of which that gentleman wrote the following letter:

"I intend to support the usual supplies, "and his Majesty's government in this "country;—but I will not enter into any "communication with Lord Buckingham. And, "as some mistakes have hitherto taken place,

" from verbal conversation, this is the reason " for giving a written answer."

Lord Buckingham having, very naturally, regarded this declaration as a gross insult to the representative of his Majesty, and justly considering that it was absolutely impossible that the business of government could be carried on, if those who held high and confidential situations under it, refused to hold any communication with its chief magistrate, dismissed Mr. Ponsonby and his numerous friends from their respective offices. From that time, their promises to support the King's government in Ireland were forgotten; and they joined the opposition, which, previous to this event had been inconsiderable, in numbers, weight, or influence;—but, increased by such a powerful reinforcement, they were enabled to embarrass the government, and, in order to render it odious in the eyes of the nation, they loaded it with unmerited obloquy, and imputed all its measures to sinister and unworthy motives. The whig-club, soon after formed by the opposition party in Parliament, most of whom became members of it, pursued the same system, in spreading a general spirit of discontent, and in degrading the administration, in the minds of the people. When they had succeeded in this, two disaffected societies, the Catholic com-

mittee, and the united Irishmen, came forward with extraordinary boldness, and endeavored to avail themselves of this season of anarchy and discord, to effectuate their malignant design of subverting the constitution, under the specious pretext of reforming it, and of separating Ireland from England, with the assistance of the French, whose alliance they sought for that purpose. These two bodies, who were actuated by the same views, and co-operated for their accomplishment, soon founded subordinate societies in every part of Ireland; which were affiliated with them; and were employed to carry their orders into execution.—Their *most* powerful auxiliaries was a popish banditti, called *the defenders*, who had been systematically organized in rebellion, and had committed nocturnal robbery and assassination on the Protestants, some years previous to the institution of the Catholic committee, and of the society of united Irishmen, and who coalesced with, and became subservient to, them.

CHAP. XIII.

The Parliament opened by Commission—Unanimous addresses of Congratulation on the King's recovery,—Bill for fortifying the Colonies passed—General Thanksgiving—Universal rejoicings on the occasion—Mr. Beaufoy's motion for the repeal of the Test Laws negatived by a Majority of Twenty—Mr. Pitt opens the Budget—His financial Statements opposed by Mr. Sheridan, and adopted by the House—Mr. Pitt proposes to subject Tobacco to the Excise—Reflections on the extension of the Excise Laws—Objections to the proposed plan by the Manufacturers—The Bill for carrying it into effect passed into a Law—Parliament prorogued—Affairs of France—Riots at Paris—Attempts to seduce the Troops—Second Assembly of Notables—Discussions respecting the convocation of the States-General unnecessary and dangerous—Mr. Neckar—no Statesman—Good intentions no excuse for profound Incapacity—Epigram on Mr. Neckar—The Notables decide in favour of the established usage in the formation of the States—Their decision opposed by Mr. Neckar, who prefers and acts upon his own—Memorial of the Princes of the Blood to the King, foretelling the calamities to which their Country would be exposed—The Duke of Orleans refuses to sign it—Character and Conduct of that Prince—Employs the Abbé Sieyes to draw up the Instructions for his bailiwicks—Parliament of Paris publish a resolution on the state of the Nation—Their

Influence is lost and their resolution received with indifference—Mr. Neckar insists, in contradiction to the King, to the Princes of the Blood, and to the Parliament, on allowing a double number of Representatives to the Commons—The King yields to his Advice—Factious proceedings in the Palais-Royal—Riot at Paris—Many of the mob killed by the Troops—Rioters hired at 12 livres a day—The States-General assemble at Versailles—The King's Speech—Mr. Neckar's speech produces general disappointment—Contest between the different orders respecting the verification of powers—Views of the democratic party—Conference between Malouet, Sieyes and Target—Avowed plan for the destruction of Nobility—The Commons declare themselves duly constituted—Debate respecting the name which they should assume—Adopt, on the motion of Sieyes, that of *National Assembly*—Resolve to act without the other two orders—Falsehood of their declaration exposed—Their usurpation—Declare all existing taxes illegal—Continue them by their own authority,—Mob employed to insult the first two orders of the State—The King orders the Hall of the Commons to be prepared for a Royal Session—The President Bailly, apprized of the King's intention—Misrepresentations of the King's conduct on this occasion exposed—The Commons adjourn to a Tennis Court—Take an oath not to separate—One member only refuses to take it—Hold their next sitting in the Church of St. Louis—Re-joined by a number of the clergy—The Royal Session—The King proposes a plan of reform highly favourable to the Liberty of the Subject—Reflections on this plan—Mr. Neckar absents himself from the Royal Session—Motives of his absence—Factious Speech of Mirabeau—The Commons, on the suggestion of Mirabeau, declare their own persons inviolable;—and all those Traitors to their country, who shall dare to reproach them

for their Conduct—Observations on this declaration—Neckar courts the applause of the mob—The mob attack the Archbishop of Paris—Motion for the clergy to join the Commons rejected by a majority of one—Afterwards carried by a stratagem of the Archbishop of Bourdeaux—Scandalous behaviour of some of the clergy—Democratic meeting at Mr. Neckar's house—Forty-four members of the Nobles join the Commons—Popular outcry against Aristocrats—The King's conference with the Presidents, and some leading members of the first two orders—The Nobles and Clergy, at the King's request, join the Commons—Excellent Speech of the Archbishop of Aix—Fresh disturbances at Paris—Troops stationed for the protection of the Capital—The Assembly address the King to remove them—Mirabeau's seditious Speech—King refuses to dismiss the Troops, but offers to remove the assembly—Dismission of Neckar—Commotions in Paris—Treachery of the French Guards—The populace force the prisons—The National Assembly again importune the King to remove the Troops—The Mob attack the Hotel des Invalides, and carry away all the arms—Imbecility of M. de Sombreuil—The Bastille attacked—Surrendered—Misconduct of M. de Launay, and M. de Buzenval—Curious motive for it—Murder of M. de Launay, and M. de Flesselles—Misrepresentations respecting the surrender of the Bastille corrected—Critical situation of the King—The assembly once more call upon him to remove the troops—He yields at last to their request—and gives his sanction to the establishment of the Militia, as National guards of Paris—Object of the Conspirators in the assembly—The Orleans Committee—Cowardice of the Duke of Orleans—Mirabeau's opinion of him—Offer of Marshal Braglio to remove the Royal Family to Metz rejected by the King—The Assembly send a deputation to

Paris—Eloquent speech of the Count de Lally-Tolendal—The King goes to Paris—His reception by the populace—Murder of Messrs. Fonlon and Berthier—Atrocious observation of Barnave in the National Assembly—Recal of Neckar—Addresses of congratulation to the assembly drawn up at Versailles by the Breton Club—Dreadful State of the country—The Conspirators impute the public disorders to the Intrigues of English Agents—The Duke of Dorset's letter to the minister repelling the imputation—Memorable Sitting of the assembly on the evening of the third of August—All Feudal rights annihilated—Tithes suppressed—And property invaded—Salutary decree for abolishing the sale of places, and for other useful purposes—Speech of the Abbè Sieyes, in defence of the property of the Church—Contrasted with his writings—Public disorders increase—Neckar proposes a small Loan—Fails in his efforts to obtain it—Illegal proceedings of the National Assembly—Project of the Conspirators for removing the Assembly to Paris—Intended attack on the Palace—The Assembly early apprized of it—The Regiment of Flanders called to Versailles for the protection of the Royal Family—The Mob and the Paris Militia proceed to Versailles—Mounier's reproof of Mirabeau—The King forbids his Body Guards to fire on the Mob—or to repel force by force—M. de St. Priest urges the King and the Royal Family to leave Versailles—The King promises, but recals his promise—La Fayette requests the King to go to rest, and answers for his Security—The Palace attacked—Attempt to murder the Queen—The Duke of Orleans directs the Mob to the Queen's Apartment—Gallant Conduct of the Body Guards, some of them murdered—The Mob driven out of the Palace—The King and Royal Family remove to Paris—are followed by the National Assembly.

[1789.] On the Tenth of March, the King's recovery being complete, the House of Commons were summoned to attend the House of Peers, when the Lord Chancellor informed them, that his Majesty, not thinking fit to be there present that day, had been pleased to cause a commission to be issued under his great seal, authorizing and commanding the commissioners, who were appointed by former letters patent to hold that Parliament, to open and declare certain further causes for holding the same;—The commission was then read, and the Chancellor, in the name of the commissioners, addressed the two Houses, informing them, that his Majesty being, by the blessing of Providence, happily recovered from the severe indisposition with which he had been afflicted; and being able to attend to the public affairs of his kingdom, had commanded the commissioners to convey to them his warmest acknowledgements for the additional proofs which they had given of their affectionate attachment to his person, and for their zealous concern for the honour and interests of his crown, and the security and good government of his dominions.

The interruption which had necessarily been occasioned to the public business would, his Majesty doubted not, afford them an additional

incitement to apply themselves, with as little delay as possible, to the different objects of national concern which required their attention.

They were likewise ordered by his Majesty to acquaint them, that, since the close of the last session, he had concluded a treaty of defensive alliance with the King of Prussia, copies of which would be laid before them; that his Majesty's endeavours were employed, during the last summer, in conjunction with his allies, in order to prevent, as much as possible, the extension of hostilities in the north, and to manifest a desire of effecting a general pacification;—That no opportunity would be neglected, on his part, to promote that salutary object; and that he had, in the mean time, the satisfaction of receiving, from all foreign courts, continued assurances of their friendly dispositions to this country.

The House of Commons were then informed, as usual, that his Majesty had commanded the estimates of the current year to be laid before them, and was persuaded of their readiness to make the necessary provisions for the several branches of the public service.

No debate, and very little conversation, occurred in either House on the subject of the address; one general feeling seemed to pervade all the members, and they unanimously joined

in carrying their congratulations to the foot of the Throne. Nor was the Queen forgotten in these tributes of gratitude to Providence; both Houses presented to her Majesty suitable congratulations on an event in which she was so peculiarly interested.

The first business transacted in Parliament, after the King's recovery, was a vote of £218,000. for defraying the expense of partially fortifying our colonial possessions in the West Indies. The motion for granting it was defended by Mr. Pitt, and colonel Phipps, on the plea that many of our islands had, for want of such defence, fallen on the first sudden attack of the enemy; whereas, if they had been provided with fortifications, they would have held out until our fleets could have arrived to their relief. On the other hand, it was contended, that the expense would be perfectly useless, as, in the event of the capture of an island, the fortifications would be advantageous to an enemy; while the threat to burn the plantation, when an Island was attacked, would induce the planters to insist on the surrender of the forts.—The sum required, however, was voted without a division.

Mr. Beaufoy, soon after, moved for leave to bring in a bill, to establish a perpetual anniversary thanksgiving to Almighty God, for having, by the glorious revolution, delivered

this nation from arbitrary power, and to commemorate annually the confirmation of the people's rights. The motion was seconded by Lord Muncaster, and the bill was brought in and passed through its various stages, notwithstanding a pertinent objection started by Sir Richard Hill, who truly observed, that the event in question was already commemorated by the form of prayer appointed for the fifth of November.—The House of Lords, however, paid more attention to the same objection, when pressed by the Bishop of Bangor, and rejected the bill on the first reading, as a work of supererogation.

On the 8th of April, the House of Commons were apprized, by Mr. Pitt, that he was commanded by his Majesty to inform them, that he had appointed Thursday, the 23d of that month, to be observed as a day of public thanksgiving to Almighty God, for that signal interference of his good providence, which had removed from his Majesty the late illness with which he had been afflicted, and, for the greater solemnity of that day, his Majesty would go to St. Paul's Church, to return thanks to Almighty God for the great mercy which had been extended to him; and his Majesty had been pleased to give the necessary orders for providing convenient places in the said Cathe-

dral, for the members of that House. Upon which it was resolved, that the humble thanks of the House should be returned to his Majesty, for his gracious favour, in communicating to that House his intention of going to St. Paul's Church, upon the day of Thanksgiving appointed by his Majesty, and, for having been pleased to give orders for providing convenient places, in the said cathedral for the members of the House. It was also resolved, that the House should attend his Majesty to St. Paul's, as a House; and the necessary orders were accordingly given for the purpose.

On the day appointed for this act of pious gratitude, the whole metropolis was in motion, at a very early hour. Such a general manifestation of loyalty, at once rational and enthusiastic, rational in its motive, and enthusiastic in its display, was scarcely ever witnessed in any age or country. The procession consisted of the Royal Family, the two Houses of Parliament, the Judges, the great officers of State, and the Foreign Ambassadors and their Ladies. The spectacle was grand and awful. A Christian king prostrating himself before the altar of his God, returning his humble thanks for the mercy so signally vouchsafed unto him, offering his fervent praises and adoration to him, "by whom Kings reign," in the midst of his grateful and

exulting subjects, was a spectacle which a Christian Philosopher could not fail to contemplate with supreme satisfaction! The illuminations, which followed, on the evening of the succeeding day, were universal, extending to every part of the kingdom. In the capital, the meanest hut, in the most obscure alley, displayed its humble token of loyalty and joy. Nor was the poorest cottage, on the most solitary heath, without it. This was not the constrained joy of slaves, prescribed by the mandate of despotism, but the manly exultation of freemen, flowing spontaneously from the heart.

Mr. Pitt was now left to pursue his plans of internal economy, without those extraordinary interruptions to which he had lately been subjected. He had received, during the late discussions, the most decisive tokens of esteem, from many of the most respectable bodies in the Kingdom, and he had the satisfaction of knowing, that the firm and steady conduct which he had observed, on a question peculiarly calculated to try the firmness, steadiness, and consistency of a public character, had, in addition to the approbation of his own conscience, secured the next great object of his ambition—the applause of his country.

Mr. Beaufoy revived the discussion on the Test and Corporation Acts, by again moving

for their repeal on the 8th of May. The motion was supported by Mr. Fox, and opposed by Lord North and Mr. Pitt. The majority against it, however, was now reduced to *twenty*; a circumstance which renewed the hopes, and encouraged the expectations, of the Dissenters, who, elated with the imaginary prospect of success, exerted themselves to the utmost, in order to realize it, fully resolved to press the point again, on the first convenient opportunity; and firmly persuaded that they should then carry it.—About this time, Mr. Grenville was appointed Secretary of State for the home department, when the vacant chair of the House of Commons was filled by Mr. Henry Addington, son of Dr. Addington, one of the Physicians who had attended the King during his late indisposition. Early in June, Mr. Pitt opened the budget for the year. He stated the amount of the supplies, already voted, to be £5,730,000, exclusive of the annual account of renewed exchequer bills. In his account of the ways and means, he rated the Land and Malt Tax, at £2,750,000; to which he added a loan of £1,000,000; profits on a Lottery, £271,000; short annuities, £191,000, from the consolidated fund, £1,530,000; making a total of £5,742,000.

Having thus stated the amount of the supplies, and the ways and means by which

they were to be provided for, Mr. Pitt entered into a consideration of the question,—whether the consolidated fund was equal to the payment charged upon it? He said, the average produce of the two last years of all the taxes was £12,478,000. The year preceding they had indeed fallen short £300,000; but this deficiency arose from peculiar circumstances; and there was no doubt that the present and succeeding years would exceed that average.—The permanent charges on this fund, consisting of the interest of the national debt, charges of management, civil list, and a million to be expended in the purchase of stock, amounted to £11,278,000, leaving a surplus of £1,700,000. Mr. Pitt then applied these facts to the two objects which the committee of finance, in 1786, had particularly under consideration;—first, whether we could pay the extraordinary expenses which must accrue before we could arrive at a regular peace-establishment, without a loan?—and, next, whether the revenue was equal to the sum stated by the committee of accounts as necessary to defray the expense of the annual establishments, to pay the interest of the public debt, and to leave an annual surplus of one million to be applied towards its liquidation?

No money had been raised by loan since

the year 1786; it was now proposed to raise only one million, and since that time the navy debt had been increased half a million. But what had been the extraordinary expenses during this period? We had paid £3,500,000 above the average peace establishment; we had paid, besides, £852,000 to the American loyalists; £216,000 for the Prince of Wales's debts; £210,000 for the debts of the civil list; and £253,000 for the expense of the armament in the preceding year; which sums, taken together, were equal to the additional navy debt incurred, and the million now to be borrowed; so that, although in three years £3,500,000 had been paid above the calculation of the committee, and £3,750,000 for the reduction of the national debt, with which alone four millions of debt had been actually paid, and £120,000 brought, annually, to the sinking fund; had it not been for those unforeseen expenses, we should not only have been able to provide for the extraordinary million wanted this year, without any additional burden on the people; but we should not even have wanted a substitute for the Shop Tax, which had been recently repealed. Under these circumstances, Mr. Pitt congratulated the country, that the hopes which he had entertained had proved to be well-founded,

and that the calculations of the committee had been verified to a degree of accuracy seldom to be expected in such calculations.

Mr. Pitt then proceeded to consider the state of the permanent income. The same committee had declared, that fifteen millions and a half of revenue were necessary to defray the annual expenses, and to leave one million towards the reduction of the national debt.—How did it stand at this time?—On an average of the last two years, it appeared to be (including the Land and Malt Tax) £15,578,000, nearly exceeding, by £100,000, what the committee had thought to be necessary. There was, therefore, no disappointment with regard to the permanent income. It was not then necessary to say much in order to convince the House that the finances were in as good a situation as the nation had ever been encouraged to expect; he had neither been accessary to deceiving the public, nor had he been deceived himself; and the new burdens to be imposed ought to be borne with as much cheerfulness as any which were imposed on fair grounds, and for necessary purposes.

He proposed to borrow the million to be raised by loan upon annuities, with the benefit of survivorship, by which means, in time, the debt so contracted must extinguish itself, and

no addition be made to the national debt.—Calculating on the most approved tables of lives, and reckoning the interest of money, from the three per cents. at about four per cent. he had found that the interest upon the whole would be about four and a half per cent. The persons who had agreed for the whole, had been allowed a small premium of £2,500. It was part of the terms that no more than a thousand a year should ever be received on the sum of £100. The subscribers were divided into six classes. The interest, therefore, could not be ascertained, with precision, until the subscription was full, but might be taken at £44,750. In order to replace a sum which had been advanced to the Dutch government, out of the civil list, and which was to be repaid by instalments, he meant to raise £191,000, by short annuities, which the instalments received in payment would answer; and in doing this he had made an economical bargain for the public.

The repeal of the Shop Tax left a deficiency of about £56,000, which, with the Tontine annuities would leave about £100,000 to be raised by new taxes. To do this Mr. Pitt proposed an increase of certain stamp duties, and some further duties on horses and carriages. Of the stamps, one half-penny on every news-

paper, in addition to the existing duty, which would yield £28,000; an additional sixpense on each advertisement would produce £9000; the same addition on cards and dice would bring a similar sum; an additional duty on probates of wills, in proportion to the sum bequeathed, £18,261; and a farther duty on legacies to collateral relations, £5,000; making a total of increase, by stamp duties, £69,261. He further proposed to levy an additional duty of one-eighth of the existing duty on one carriage;—on two carriages, an addition of one pound for the first, and of two for the second; on three or more, one pound for the first, and three for each of the rest; on two horses, no addition for the first, but five shillings for the second; on three, four, or five horses, seven and six-pence each, for all above one; and on more than five, ten shillings each; making, in all, with the additional stamp duties, about £111,000.

This statement of the prosperous situation of our finances was contradicted by Mr. Sheridan, who considered the mere circumstance of raising a new loan as sufficient to demonstrate the failure of the predictions of the committee of finance. He boldly asserted, that, instead of an excess of revenue, as stated by Mr. Pitt, there was an annual deficiency of two millions,

for the three preceding years, which would probably continue for the three following years. Mr. Sheridan laboured this point very hard; but he was unable to convince the House, either of the fallacy of Mr. Pitt's statements, or of the accuracy of his own calculations.

In pursuance of his plan for the improvment of the revenue, Mr. Pitt brought forward, during this session, a proposal for putting a stop to the contraband trade, which was carried on, to an enormous extent, in the article of tobacco. He stated, in a summary way, the great inducements which the smugglers had to deal in this article; such as the very low price of its prime cost, compared with the amount of the duty, which afforded an ample premium to illicit traders, and enticed them to carry on their traffic to a very great extent, to the material detriment of the revenue, and the equal injury of the fair trader. He stated that, at least, one-half of the tobacco consumed in the kingdom was smuggled.—When the alteration in the duty on teas was proposed, the annual importation of that article was rated at twelve millions, but experience had proved that it was greatly under-rated. And it appeared, upon enquiry, that the quantity of tobacco imported into this country, was equal to the quantity of tea imported. As far as could

be ascertained, from the best information of which the nature of the case admitted, not less than fourteen millions of pounds of tobacco were imported every year, of which not more than half paid the duty. And from this illegal traffic the revenue sustained an injury to the amount of three hundred thousand pounds per annum.

The mode by which Mr. Pitt proposed to remedy this evil, was by changing the greater part of the duty on Tobacco, from customs to excise, and by subjecting the manufacture of this article to the operation of the excise laws.—It was urged, as an inducement to adopt this plan, that the experiment had already been tried upon wine, and with great success, for only 13,000 tons of wine paid duty, before the article was subjected to the regulations of the excise, but, after, the quantity increased to 18,000, tons, and, when the duty was lowered, to 22,000 tons. He anticipated the objections which might probably be urged against the proposed measure by interested manufacturers, whose conduct was not exempt from suspicion. No doubt any thing that could be urged on that head should be listened to by the House with attention and candour; but, at the same time, with that degree of jealousy, which allegations from persons so circumstanced ought ever to excite.—Similar

objections had been pressed against the extension of the excise laws to wine, by persons who confidently asserted that, under such restrictions, it would not be possible for them to carry on their trade.—The experiment, however, was tried; and the trade had increased to an astonishing degree.

Objections, however, to an extension of the excise laws, ought ever to be viewed with suspicion and jealousy;—they form a system to which the subjects of this free country submit with more reluctance, than to any other legal restrictions whatever;—and the reluctance, though no doubt, in partial instances, it may originate in the disgraceful motives of interest, and fear of detection in illicit practices, may generally be traced to a veneration for those constitutional principles, which every Englishman truly considers as the most valuable portion of his birth-right. Such a system, itself, then, (and, consequently, any extension of it) can only be justified on the ground, if not of absolute necessity, at least, of deriving from it such public advantages as shall greatly overbalance, both the inconveniences to which it may expose individuals, and the shock which it is calculated to give to the feelings of the nation. In that case, the paramount principle, that individual interest must yield to public good, which forms,

as it were, the corner stone of every constitutional fabric, must have its natural operation and effect.

Numerous petitions were presented by the manufacturers against this bill;—but the principal objections which were urged applied to two points: first, that in the process of the manufacture, the variations in the weight were so great, that the excisemen could not possibly take an accurate account of the quantity manufactured; whence the manufacturer would be either subjected, on the one hand, to a ruinous excess of duty, or, on the other, to fines and forfeitures, which would be equally ruinous.—And, secondly, that the excisemen, by having free access to the manufactories, would learn those secrets of the trade which were possessed by different manufacturers, and which were objects of such real value to them, that they had been sold for ten thousand pounds, and upwards.

But the opposition to the bill was productive of no effect; having been modified in the committee, and several of the most objectionable parts either expunged or altered, it passed the House of Commons, and, after some debate, the House of Lords, also.

This was the last measure proposed by Mr. Pitt, during that session of Parliament, and Mr. Dundas, having closed the public business

by bringing forward his Indian Budget, by which it appeared that the affairs of the company were in a prosperous and flourishing state, (which Major Scott represented as the effect of the wise and provident administration of Mr. Hastings) there being a net revenue of thirteen hundred and sixty-seven thousand pounds, applicable to the discharge of the capital of a debt of rather more than seven millions and three-quarters, and to the purchase of investments, the Parliament was prorogued, by commission, on the twelfth of August.

While England was thus, by the blessing of Providence, restored to the tranquil enjoyment of domestic tranquillity, France continued to be torn by internal dissensions, and to be convulsed by the most violent symptoms of approaching anarchy. On the sudden retreat of the Archbishop of Sens, from the ministry, that prelate was burnt in effigy by the Parisian populace, and had great reason to congratulate himself on his prudence in withdrawing himself from the danger of personal violence.—The mob, who had assembled on the following day, to amuse themselves with a repetition of the same indecent farce of committing a Cardinal to the flames, attempted to force the guard stationed to prevent their approach to the scene of action, when a skirmish ensued, in which

one hundred and fifty of the rebellious rioters were killed or wounded.—Attempts were now made, though without effect at the time, to seduce the French and Swiss guards from their duty, and it is worthy of remark, that the very men who were employed on this occasion, and who were constantly haranguing the people, in order to excite them to revolt, were the same who took the lead in all the subsequent insurrections and commotions which occurred in the capital, in the course of the Revolution. The Notables assembled, for the second time, in the month of November 1788, for the purpose of deciding, or rather of giving their opinion on, certain questions relative to the convention of the States General. The principal points for their consideration were, whether the different orders should sit in one chamber and constitute one assembly; or whether they should sit in different chambers, and form three distinct bodies, the concurrence of all of which, or at least of two of them, should be requisite to legalize their resolutions or decrees; and whether the numbers of each order should be equal, as had hitherto been the case, or whether the number of the Commons, or *third estate*, should be equal to that of the other two orders. This last was the most important of all the questions; —for if the states were to form one chamber,

and the Commons were to constitute one half of its members, it was easy to foresee, that the first two orders would be sacrificed, and the whole fabric of the constitution crumbled into dust.

But when it is considered that there existed not the smallest necessity for having recourse to a measure so pregnant with danger to the state;—that the mode of convening the States-General, of taking their votes, and every other arrangement respecting them, had been fixed by the prescription of ages; and that the King possessed the undoubted right of regulating all these matters, by his sole authority,* the mind is lost in astonishment on contemplating the dreadful imbecility of the man who could, by wantonly promoting the public discussion of such questions, in such a nation as France, and at such a time, expose every thing that was venerable in the country, every thing that was essential to the preservation not only of the monarchy, but of social order itself, to the most imminent risk of destruction. Mr. Neckar, brought up in the counting-house of a banker, and having an education purely calculated for such a situation, was utterly unacquainted with the science of government, and knew as little of the qualities and the duties of a statesman,

* Annals of the French Revolution, by Bertrand Melville, Vol. 1. p. 3.

as of the forms and etiquette of a Chinese court.—A foreigner by birth, a Calvinist in faith, and a republican in principle, he was one of the last men in the world who should have been entrusted with the destinies of a *Catholic Monarchy*, at any time, but more particularly at a period when a turbulent spirit of innovation had gone forth, and when the people were ripe for every act of violence and outrage against persons and against institutions, which, till now, they had been taught to respect, and accustomed to venerate. What Mr. Neckar wanted in ability he made up in presumption; for never had a man a higher opinion of his own merits and qualifications, and this would not suffer him to perceive that he was wholly indebted to a singular combination of fortuitous circumstances for that unexpected elevation and popularity which his vanity led him to ascribe, exclusively, to his own personal deserts. His *intentions* might be *good*; but the man who, even with the *best* intentions, undertakes to hold an office on the due discharge of the duties of which the happiness and the welfare of millions depend, but for which he possesses not any of the requisite qualifications, is justly obnoxious not only to *censure*, but to *punishment*.

It was observed of Mr. Neckar, with at least as much truth as wit,

> " Agioteur adroit, ministre sans moyen,
> " De rien il fit de l'or, et d'un empire rien."

And what more could be expected of a man who was profoundly ignorant of the laws, and even of the history, of that country, the affairs of which he undertook to direct at a most critical period!

The discussion of the important questions submitted to the Notables was not confined to that honourable assembly; it extended to the Coffee-house politicians of Paris, to the venal orators of the Palais-royal, and even to the noisy sybils of the Covent-Garden, and the Billingsgate, of the French capital.—Les Poissardes, et les Dames de la Halle. All these worthies were, of course, clamorous in favour of the double representation of the Commons, which was truly considered as the very ground work of the revolution. The notables very soon perceived the mischievous tendency of this measure, and, almost unanimously, protested against its adoption, and in favour of the old constitutional mode of forming the States-General, of orders composed of equal numbers, but voting separately, and sitting in distinct chambers.—Neckar, however, observing that the

people, or rather the populace, were of a different opinion, did not hesitate to make every sacrifice to his lust of popularity. Although he had caused the notables, consisting of the most illustrious personages in the kingdom, to be assembled for the express purpose of delivering their opinion on the subject, an opinion by which, no doubt, it was intended to regulate the decision of his Majesty, he did not scruple to insult them, by rejecting that opinion with contempt, and by recommending his sovereign to act in direct opposition to it, by deciding for the double representation of the Commons.

At this critical moment, five of the Princes of the Blood, the Count d'Artois, the Prince d'Condé, the Duke de Bourbon, the Duke d'Enghien, and the Prince de Conti, presented a memorial to the King, in which they truly told him that the state was in danger, that a revolution was taking place in the principles of the government, occasioned by an extraordinary ferment in the minds of the people. Institutions held sacred, and by which the monarchy had prospered for so many ages, were made subjects of doubt and debate, and even decried as replete with injustice.—The various writings, memorials, and petitions, which had appeared, in different quarters, since the assembly of notables had commenced their sittings,

all combined to prove a regular and well-digested system of disorder, and the existence of a supreme contempt for the laws of the realm. Every author had set himself up for a legislator; an eloquent style, and a facility of composition, even when unassisted by study, knowledge, or experience, seemed to constitute a sufficient qualification for regulating the constitutions of empires. Whoever advanced a bold proposition, or suggested some rash innovation in the existing order of things, was sure to find readers, and to gain partisans.

Such, said the Princes, was the unhappy progress of this effervescence, that opinions which, a little while before, would have been regarded as extremely reprehensible, were now considered as reasonable and just; and what the feelings of honest men now revolted from, would soon be received by them as regular and legal. Who could say at what point the temerity of opinion would stop? the rights of the throne had been disputed; opinions were divided on the rights of the two superior orders of the State;—very soon the rights of property would be attacked, and inequality of possessions held out as an object of reform. Already had the suppression of feudal rights been proposed, as a system of oppression, and a remnant of barbarism.

From these principles of innovation, and these desires of change, had arisen the design of obtaining, for the third estate, a double representation, so as to secure them a number of votes equal to those of the other two orders. The Princes here adverted to the injustice and danger of innovation, either in the constitution of the States-General, or in the mode of convening them; to the multitude of claims which such a change would engender; to the dangers arising, even to the Commons themselves, from the projected increase of the number of their representatives, and to the destruction of the constitutional balance so wisely established between the different orders, as well as of their respective independence.

They represented the importance of adhering to the only form of convening the States-General, which was consistent with the law and constitution of the empire;—to the distinction of orders, to the right of separate deliberations, and to the equality of votes in the different chambers—"Those unalterable foundations of the French monarchy."—They observed, that to alter the form of the letters of convocation for the Commons alone, and to summon twice the usual number of their representatives, even though the Commons should have but one voice in three, as heretofore, would give an

indirect sanction to their claim, and, encouraged by this success, they would not remain contented with a concession attended with no practical advantage, and being of no use so long as the increased number of representatives made no alteration in the number of votes.

The Princes declared that they should be exceedingly alarmed for the safety of the State, were the unconstitutional claims of the Commons ratified, and for the melancholy consequences which must result from the proposed alteration in the constitution of the States. Such an alteration presented to them a gloomy prospect; they saw every one, according to his views or his prejudices, changing the rights of the nation; a superstitious King giving the preponderance of suffrages to the clergy; a warlike King lavishing them upon the nobility who followed him to the field; and then would the Commons, who now sought to gain the superiority, have cause to repent the success of their own pretensions; each order, in its turn, oppressing or oppressed, the constitution corrupt or unstable, and the nation ever divided; and, for that reason, ever weak and wretched. But there were impending misfortunes of a still more distressing nature. Dissension must result from any violation of the rights of the two higher orders; for one or both of them

might disavow the States-General, and refuse to confirm their own degradation by taking their seats in the assembly. A great number of gentlemen would attack the legality of the States-General, so illegally convened, would protest against them, would cause their protests to be registered by the Parliaments, and even present them to the States themselves. Hence would the validity of the decrees of the States be questioned by a part of the nation, who would eagerly seize the pretext for exonerating themselves from the burden of taxes, which, in their apprehension, would be illegally imposed.

They then made a strong appeal to the feelings, as well as to the justice, of the King, in behalf of that brave, respectable, and ancient nobility, who had shed so much blood for their country and their Sovereigns; who had placed Hugh Capet on the throne; who had wrested the sceptre from the hands of the English, to restore it to Charles VIIth; and by whom the crown was firmly settled upon the head of the reigning family. They called upon the Commons to forbear all attacks on the rights of the other orders; rights which, being as old as the monarchy, ought to be as unalterable as its constitution; and to limit their attention to solicitations for the diminution of taxes which might be burdensome to them; and then might

the two other orders, regarding them as countrymen whom they loved, generously renounce all their own pecuniary privileges, and consent to support the public burdens with the most perfect equality? The Commons, on the other hand, were called upon to consider the consequence of persevering in unjust claims, and of succeeding in obtaining them. Judging by the general laws which governed all political constitutions, the French monarchy must either degenerate into despotism, or become a democracy, two different species of revolution, but both of them to be deplored.

In this memorial the Princes certainly spoke with a prophetic spirit, of the calamities which awaited their country, from the destructive system about to be pursued. The Duke of Orleans refused to sign it, or to concur in the sentiments which it expressed. He was solely intent on courting popular favour; and, in order to secure it, had recourse to means so different from those which he had been accustomed to practise, as clearly to shew that he had some great object in view. This Prince, who enjoyed a greater fortune than any subject in the kingdom, both in his own right, and in that of his wife, a most amiable lady, daughter to the Duke de Penthievre, had, from his first entrance into public life, betrayed a disposition,

the most disgraceful, and the most degrading, to a man of rank. He evinced a fondness for every vice, without the manifestation of a single virtue. A gross voluptuary, or rather a vulgar debauchee, he indulged himself, without restraint, in every low and bad propensity, but displayed a sordid meanness to the wretched instruments and objects of his pleasures, which rendered him, if possible, still more contemptible than he was vicious. In short, there was no vice so high as to be above his aim; no vice so low as to be beneath his wishes. Though he had manifested, throughout his past life, the most despicable avarice, he now fell into the opposite extreme, and displayed the most ostentatious prodigality. He distributed bread to the poor in almost every parish in the capital; when the cold was intense, he caused fires to be made, at his own expense, in the public squares; he established temporary kitchens, at which his own cooks attended, to prepare food for the populace. And all these unusual, and most interested, acts of political benevolence were blazoned to the world in the prostituted prints of the day, and rendered him so popular as to give serious cause for alarm to the court, against which he made no scruple to proclaim his resentment. Previous to the assembly of the States-General, the different representatives were supplied with instructions

(called *Cahiers*) by their electors, pointing out those objects to which they wished their attention to be principally directed, in the approaching session. In the bailiwicks, belonging to himself, the Duke of Orleans caused instructions, which had been previously drawn up by the Abbé Sieyes,* to be adopted by the electors, and to be profusely distributed throughout the country. These, as may easily be supposed, breathed the wildest spirit of democracy;—and in them appeared the first notice that was taken of a new law, to be proposed for sanctioning divorces in France, in opposition to the tenets of the established faith of the country;—a law attended with effects as extensively destructive of morals and virtue, as its profligate framer himself could have wished. The ignorant populace evinced the greatest rapture when these instructions were read to them, although the greater part of them were far above their comprehension.

The Parliament of Paris, who had so materially contributed, by their seditious opposition to the King, to produce the present state of things, were weak enough to imagine that they retained the ascendancy which they had lately enjoyed

* Journal politique-national des Etats Generaux, &c. par M. l'Abbe, Sabatier, p. 19.

over the minds of the people, and that it was as easy to calm, as they had found it to raise, popular clamour and popular discontent. They accordingly held a meeting, in which they privately discussed and determined the principal objects of reform and improvement, with which they thought the nation ought to be satisfied;—and they published their decision, under the title of *A resolution upon the present state of the nation*. In this paper they asserted, that, as the approaching assembly of the States-General might be considered as an assembly strictly national, it was necessary that the King, in convening it, should be pleased to adopt and promulgate their sentiments, as specified under ten distinct heads. I.—The periodical return of the States-General. II.—Their right to mortgage certain taxes to the State creditors. III.—That it was a duty which the States owed to the nation to grant no subsidy that was not definite, both as to it amount, and as to its duration. IV.—Their right of freely settling and appointing the funds of each department of the revenue. V.—His Majesty's resolution of concerting means, with the States-General, for the suppression of all partial taxation of the orders, and for the substitution of common subsidies to be equally levied. VI.—The responsibility of ministers. VII.—The right of the

States-General to impeach and prosecute, in all cases affecting the nation at large. VIII.—The power of the States-General over the supreme courts, so as that these courts should not suffer any subsidy to be levied which had not been granted by the States, nor concur in the execution of any law which had not been either proposed or assented to by the States. IX.—The personal liberty of the subject, secured by the obligation to deliver every person apprehended into the hands of his natural judges, without the smallest delay; and, X.—The liberty of the press.

Though a circuitous mode of expression was here adopted by the Parliament, to express what might have been easily rendered perfectly plain and intelligible, and though it is difficult to conceive what right or authority they had thus to tutor their Sovereign, and to dictate the mode which he had to pursue, or the objects which he had to promote; yet it is certain that the plan of reform which they proposed contained points sufficiently favourable to liberty to satisfy every friend of rational freedom. But the Parliament very soon found that it was much more easy to raise a popular ferment than to direct it; the people received with indifference, or rejected with scorn, every notion of reform which did not amount to a radical change of the government.—And the

magistrates were left to repent, at their leisure, those efforts to oppose even the lawful authority of the King, which had so lately been the objects of their boast and their pride, but which were now become sources of humiliation and reproach, inasmuch as it was evident that they were the principal means of giving that impulse to the popular rage, which now threatened to overwhelm themselves, in common with all the higher orders of the state.

It might naturally have been supposed, that, however vain and presumptuous Mr. Neckar might be, however confident of his own talents and knowledge, and however fond of popularity, after the unqualified opinions, deliberately formed, and publicly proclaimed, of the Princes of the Blood, of the assembly of Notables, of the Parliament of Paris, and even of the King himself, which was well known to be decidedly adverse to the plan of a double representation of the Commons, fear, if not decency, would have deterred him from acting in immediate opposition to them, and, from risking, by such conduct, the fate of the empire, and taking upon his own shoulders the most dreadful responsibility that was ever imposed upon man.—But Mr. Neckar was a *man mi generis*, he was actuated by no one principle by which politicians and statesmen

would be influenced, in similiar situations and circumstances. His vanity, which nothing but popular adulation seemed sufficient to satisfy, rose predominant over every other feeling, and reigned paramount over every duty and every virtue.—He persisted in his plan, and the King, who considered him as the minister of the people, and as being able, by his vast popularity, to prevent all those disastrous consequences which had suggested themselves to his own mind, and to the minds of his most able and most faithful counsellors, as likely to result from the adoption of this fatal measure, implicitly yielded, in a hapless hour, to his fatal advice, as contained in a memorial which he presented to his royal master, in which, with a degree of ignorance, equalled only by his intolerable presumption, he made himself personally responsible for the success of the plan, which he recommended, and desired that he might be made the sacrifice to its failure, or, at least, to its production of any sinister event!—As if the offer of such a sacrifice could justify the adoption of so ruinous a measure, or as if the sacrifice itself of an obscure individual, or, indeed, of any individual, could afford the smallest compensation for the revolution of an empire, and for the ruin of the altar and the throne!—This request is without a parallel in the gloomy

annals of human inbecility, or in the more lively, but not less degrading, records of human vanity.

In pursuance of these sentiments, the King, early in January, 1789, issued that fatal decree, which granted a double representation to the Commons. But, even then, had the minister been possessed of a common portion of prudence, or of political foresight, he might have obviated, in a great degree, the inconveniences naturally expected to result from this concession. The King's power to regulate the mode of voting, in the states, had not yet, even by the most furious partisans of democracy, been called in question: he might, therefore, have declared his pleasure, in this very decree, that the three orders should sit in different chambers, vote separately, and that every question should be decided either by the unanimous voice of the whole, or by that of the majority of the three; and such a declaration would have secured, at least, a decent reception under favour of the concession by which it was accompanied. But, strange to say, he wholly omitted to provide for an arrangement of such vital importance; not but that he had alluded to it in his stupid memorials, but he there treated it as a matter of subordinate consideration, if not of perfect indifference; contenting himself with ex-

pressing a hope that the different orders would settle this matter to the perfect satisfaction of the whole body;—A hope which no man, who was not totally deprived of reason, who had not voluntarily shut his eyes against surrounding objects, or who was not intent on producing a revolution in the state, (a design which no party has ever imputed to Mr. Neckar) could possibly have entertained.—The consequence, however, was, that every thing was left to chance;—and the numerous votaries of faction, the Parisian banditti, and the innumerable band of scribblers, whose perfidious productions issued from the press with the rapidity of lightning, were left to discuss, according to their pleasure, or their interest, the different modes of voting, and to make such impressions as they could on the minds of the nation at large.

During the interval which elapsed between the King's letter, of the 24th of January, for convening the States, and their actual meeting, which was first fixed for the 27th of April, but which was afterwards postponed to the 9th of May, every attempt was made, by means of the press, and of hired orators, stationed in the Palais Royal, and paid with money supplied by the Duke of Orleans, to persuade the people that a revolution was indispensably necessary to save them from destruction. The King was

represented as a tyrant, and the nobility and the clergy as oppressors of the people.—The destruction of the last two orders was as freely discussed as any other object of reform: and, strange as it may appear, it is nevertheless certain, that no attempt whatever was made either to restrain, or to punish, this abominable licentiousness, which could never be tolerated, without danger, even in the most free and unexceptionable government in the world.—In short, it seemed as if all the lawful authorities of the State were seized with the same torpor which infected the minister, or rather as if a sudden dissolution of all political and social ties, and restraints, had taken place, and society were, in consequence, dissolved into its original atoms, or component parts. The populace, encouraged by this unaccountable inactivity of the police, proceeded from speculative rebellion to acts of practical revolt. Insurrections broke out, at the same time, in Paris, and in different provincial towns, in all parts of the kingdom, almost wholly directed against the nobility, who were, thus early, designated by the odious appellation of *Aristocrats*, and so marked out as fit objects of proscription and murder.—In a paper, publicly distributed on the *Pont Neuf*, at Paris, and distributed in the various suburbs of that

profligate metropolis, the nobility were accused of monopolizing corn, and large bills were every where stuck up, threatening an immediate and general insurrection, if the price of that article were not reduced.

On the very day first appointed for the meeting of the States, (April 27th) the mob (as if it had been meant to make them rehearse the tragedy which they were destined to perform on a future day) assembled, armed with bludgeons, for the purpose of burning, in effigy, a peaceable and industrious citizen, of the name of *Reveillon*, who had an extensive manufactory of paper, in the suburbs of St. Anthony, which were the general resort of all the revolutionary ruffians.—The pretext for this outrage was at once so frivolous, and so false, as to leave little doubt that it was intended only as a revolutionary experiment, to try the temper of the people, and the patience of the police. And it answered to the utmost of their wishes, for the mob were suffered to amuse themselves in this way for several hours without the smallest interruption. During the night, an immense number of ill-looking fellows, of the lower class, were observed, by the persons stationed at the gates, to enter the capital. And at break of day, on the following morning, crowds of persons paraded the street, entered

the shops and manufactories, and, distributing money to the men, took them along with them. —Having collected a sufficient force, they proceeded to the formal attack of *Reveillon's* house, which was well defended for five hours, by the city watch, who had repaired thither for that purpose. Resolved not to be disappointed, these patriotic reformers adjourned to the neighbouring residence of a Mr. *Henriot*, a manufacturer of salt petre, who was a friend of *Reveillon's*. This house, not being prepared for an attack, was speedily forced, gutted, and its contents reduced to ashes. Flushed with success, they now returned to *Reveillon's*, forced an entrance, and were making a rapid progress in the task of demolition, when a strong party of troops arrived, whom they had the audacity to assail with tiles, stones, and beams, by which some were killed and others wounded. The troops then fired upon them, and afterwards entered the house, bayonets fixed, which they, at length, succeeded in clearing, though not till they had experienced a very obstinate resistance.—In this skirmish, twelve of the soldiers were killed, and about eighty wounded; the mob suffered more severely, two hundred of them remaining dead upon the spot, and three hundred of them being wounded.—Some of the latter, who were conveyed to the hospitals, or

he prisons, confessed, on their death bed, that they had received twelve livres each for that day's work.—It was observed that, on that very morning, the Duke of Orleans, passing through the suburbs of Saint Anthony, alighted from his carriage, went up to the mob, addressed them in the most familiar manner, and exhorted them to be peaceable and to go home. Whence it has been inferred, that he had nothing to do with this riot.*—But it is pretty certain, that there was nobody else who had the same interest, the same inclinations, and the same ability, to supply the very considerable sums which must have been expended on the occasion;—and his parting exhortation to the mob might be a mere feint to conceal a design which he did not yet think it prudent to avow. In order further to influence the minds of the people, and to afford a pretext for further acts of violence, circular letters were sent to the different corn-factors, farmers, millers, and graziers, under the forged signature of *Neckar*, enjoining them to discontinue the supply of provisions for the capital from the 20th of April to the 16th of May.—Mr. Neckar, however, when apprised of this fact, received the intelligence with apparent indifference, and forbore to take any measure for

* Bertrand's annals of the French Revolution, Vol. I. p. 30.

detecting and bringing to punishment the villain who had forged his name for so base a purpose. Nor does it appear that he caused any inquiry to be instituted with a view to discover the authors, leaders, and principal perpetrators, of these horrible outrages. Such was the pilot destined to guide the state-vessel through a boisterous sea, when buffeted by the winds of faction, and about to strike on the rocks of innovation!

It was easily foreseen, says one of the most intelligent writers on the revolution, that the nobility and clergy would insist upon voting *by orders*, in order to preserve their *veto*, and not to be reduced to the state of mere *figurantes* in the States-General; and that the Commons would insist on voting by *heads*, for the purpose of giving a substantive enjoyment to the new existence which they had acquired; so that it was perfectly clear that they would never agree. It was perceived, and indeed publicly said, that the single difference of opinion which subsisted between the nobility and the Commons, would soon be converted into an open schism; it was farther perceived, and said, that the government had brought forward a problem that did not admit of solution, and that, by this conduct, it would destroy, in the very bud, all the fruits which the national assembly were expected to

produce.—The instructions of the bailiwicks to their deputies, which were published in succession, confirmed these gloomy presages. —Some of them supported the mode of voting by orders; others that of voting by heads;—but they were all equally imperative!*

During this conflict of parties, and this agitation of the public mind, the States-General assembled at Versailles. On the fourth of May, all the members of the three orders met in the church of Notre Dame, where they were joined by the King and Royal Family, who accompanied them, in procession, to the church of saint Lewis, where divine service was performed. It was remarked that, on their passage from one church to the other, the Commons and the King were loudly applauded by the surrounding multitude, but that a profound silence was observed while the clergy and nobility passed.—On the following day, (May 5th,) the King opened the States with a speech from the throne, in which he observed, that the day which he had so long and so eagerly expected, was at length arrived, when he found himself surrounded by the representatives of a nation which it was his glory to govern. The public debt, which was immense on his accession to

* Journal Politique-National, &c. published under the name of the Abbe Sabatier, but composed by M. de Rivarol.

the throne, had been further augmented during his reign, by an expensive but honourable war, necessarily productive of an increase of taxes, which had rendered the unequal burden of them more sensibly felt. His Majesty then adverted to the monstrous spirit of innovation which pervaded the minds of men, and which, he justly observed, would end in total destruction, if not timely prevented by an union of wise and temperate councils. He expressed his satisfaction at the disposition which had already been avowed by the first two orders of the state to renounce their pecuniary privileges. But, alas! vain was the hope which he manifested, of seeing all the orders of one mind, uniting with him for the general good. Nor was it decent in the minister to suffer his master to declare, that he felt confident that such a hope would not be disappointed, when he knew that there was not the smallest ground for entertaining it.

The King next told the states, that he had given orders for considerable retrenchments in the public expenditure, and should receive, with eagerness, from themselves, those further ideas on the subject of retrenchment which he expected them to announce. But, notwithstanding the adoption of a most rigid system of economy, he feared it would not be in his

power to relieve his subjects from their burdens so speedily as he could wish. He said he should direct an exact state of the finances to be laid before them, and when they should have examined them, he felt certain that they would propose to him the most effectual means of placing them in a state of permanent order, and of restoring and confirming public credit; that great and salutary work, which would ensure to the kingdom happiness at home, and respect abroad, he especially recommended to their serious attention.—The minds of men were agitated, but the assembly of the representatives of the nation would, no doubt, listen only to the dictates of wisdom and of prudence. It was true, his Majesty observed, that those dictates had not been much attended to of late, but he trusted that the spirit which would mark the deliberations of the States, would correspond with the real sentiments of a generous nation, whose distinguishing characteristic had always been the love of their Kings.—He knew the authority and power of a just King, ruling over a faithful people, attached, at all times, to the principles of the monarchy, which had constituted the glory and the lustre of France, and of which it was his duty to be, and he ever would be, the support.—But, whatever could be required of a

sovereign who was the first friend of his people, they might and ought to hope and to expect from his feelings.

He concluded with expressing a fervent wish (a wish, alas! not destined to be gratified) that a blessed harmony might reign throughout the assembly, and that epoch be rendered for ever memorable, by the happiness and prosperity of the kingdom. "It is," said the benevolent Monarch—"the first wish of my heart—the most ardent of my prayers; it is the reward which I expect for the rectitude of my intentions, and for my love of my people."

This speech was received, not with that silent respect which marks the more sober conduct of similar assemblies, in other countries, but with those violent acclamations, and those loud bursts of applause, which characterize the more lively and irritable disposition of Frenchmen. An incident, however, occurred which, though trivial in itself, sufficiently indicated the spirit which obtained among the turbulent members of the third estate. At the conclusion of his speech, the King resumed his seat on the throne, and put on his hat. The nobles, then, conformably to their custom at all former meetings of the States, and agreeably to a long established privilege, put on their hats. Several of the Commons, less from ignorance than dis-

respect, followed the example; and instantly a tumultuous and most indecent exclamation of, "Put on your hats!"—"Off with your hats!" resounded in every part of the hall.—The King, with astonishing presence of mind, and with equal discretion, put a stop to this scandalous scene, by pulling off his own hat, and wiping his forehead, as if he were inconvenienced by the hat.—Of course nobody could remain covered, when the King was uncovered, and thus order was restored.

The Keeper of the Seals, Mr. Barentin, followed the King, in a short speech, containing nothing remarkable.—But that of Mr. Neckar, which had excited the greatest expectations, not only in the members of the assembly, but in the great body of the nation, who seem to have expected, from him, the developement of some vast and indescribable plan, that was to operate wonders, and to possess the magic power of the philosopher's stone, was more remarkable.—However great, and however varied, the expectations were, he had the singular felicity of disappointing them all. His speech was pompous, verbose, dry, and uninteresting; it exhibited a superabundance of words, with a most woeful scarcity of matter. He told the States, indeed, that the King, who had assembled them, need not have

assembled them, unless he had pleased; that the deficit which had made so much noise, might easily have been supplied from a thousand little resources, and that a King of France could, with the greatest facility, gain over the representatives of the nation, if they deliberated and voted by heads. He eloquently explained all the difficulties which resulted from the organization of the States-General, and, that he might not infringe on their liberty, he left them to exercise their inventions in the choice of their own means for extricating themselves from them.—He lastly hinted, pretty plainly, his preference of the mode of voting by orders.*

In thus opening the States-General, Mr. Neckar was guilty of another egregious blunder; and, indeed, he scarcely took a single step which did not serve to render his incapacity more manifest;—for he had made the King address an assembly of individuals, who might, or might not be, lawful members of the States; an absurdity which would have been easily avoided, by causing the examination of their appointments, or what was called the *verification of their powers*, to be made before, by proper officers appointed for the purpose. Nay, not only the absurdity of making the King address them as members, before they were legally clothed with that character, would, by this means,

* Journal Politique, &c. p. 20, 21.

have been avoided; but a subsequent difficulty, which arose from the neglect, would have been prevented.—For want of this precaution, a ground of difference occurred between the different orders the very next day. The first two orders met in their respective chambers; while the Commons met in the large hall, appropriated for the reception of the whole upon particular occasions. Their first step was to invite the nobility and clergy to come to them to verify their powers. At no former meeting of the States-General had the smallest difficulty occurred as to the mode of performing this necessary act; and, indeed, considered in the abstract, it was a matter of no great consequence, any further, indeed, than as it went to establish a dangerous precedent.—But, in the present situation of affairs, it could not be otherwise regarded, than as a part of the insidious plan of the Commons for abolishing all the rights and privileges of the superior orders of the state, by compelling them to form a part of one great assembly, in which, it was certain, they would be outvoted, on every leading question. — The invitation was accordingly, and with very great propriety, rejected by the nobility, who proceeded to exercise their undoubted right of verifying their own powers;—and, when this was done, they declared themselves duly constituted.

The Commons treated this declaration of the nobles with supreme contempt, and had the effrontery to assert, contrary to truth, and to the uniform practice of past ages, "that, until the first two orders had verified their powers in the Hall of the Commons, they could not be considered as legal members of the States-General." The dispute on this subject occupied numerous sittings, to the total suspension and neglect of all those great public matters, for the due arrangement of which they had been convened. At length, on the 27th of May, the Count de Mirabeau, strange to say! proposed to his colleagues to invite the clergy, "*in the name of the God of Peace,*"—of that God to whose precepts he had been in the constant habit of disobedience, whose laws he had violated and despised, and whose authority he had publicly arraigned,—to unite with the Commons. As it was a great object to sow dissensions between the clergy and the nobles, every argument which ingenuity could suggest, as likely to work upon the former, was employed in this invitation.

The ministers, however, who had hitherto displayed a degree of indifference at passing events, amounting almost to torpor, began to betray symptoms of alarm at the growing schism in the States-General, and still more at

the delay which it occasioned to those financial discussions, whence they hoped to derive the means of removing the distress under which the government laboured. They persuaded the King to suffer letters to be sent, in his name, to the first two orders, expressing his sorrow at the difficulties which had occurred in the verification of powers, (a difficulty which these ministers might, most easily, have prevented,) and at the consequent delay in the adoption of those measures which ought to have been taken for the happiness of his people; and desiring that they would confer with commissaries, to be appointed by the Commons, on the means of restoring tranquillity between the different orders. The nobles so far complied with the King's request as to agree to the proposed conference, but they passed a solemn decree, or resolution, that the mode of deliberating, and voting by orders, was essential to the monarchical constitution, and that the nobles would constantly persevere in this principle, as being equally necessary to monarchy and freedom. These conferences were opened, and were conducted with great warmth, and great perseverance, on all sides; but, as might naturally have been expected, totally failed to produce the desired effect. The spirit of party now increased to a degree of inveteracy that

seemed to destroy all hopes of accommodation; and inspired the real friends of the country with the most serious apprehensions. Under these circumstances, M. Malouet, a member of the Commons, anxious to prevent more fatal innovations, prepared an address to the King, and a resolution of the Commons, the object of which was to guarantee to the first two orders the enjoyment of their lawful property, and of their honorary prerogatives.* The mere acknowledgment of the necessity of such a resolution, by so sensible and intelligent a man as M. Malouet, displays, in a much stronger point of view than could result from the combined force of eloquence and partial acts, the spirit and temper of the democratic party, and the iniquitous designs of their abandoned leaders. That, in a settled government, which had withstood the shocks of foreign wars, and of domestic dissensions, for no less than fourteen centuries; and during the reign of a monarch, the most meek, benevolent, just, and virtuous, of a long line of Princes, since the days of Louis the Twelfth, (and certainly not exceeded in all the amiable qualities of the heart and mind, by that justly-revered Sovereign himself,) of a monarch who made the

* Les Opinions de M. Malouet, Tom. iii. p. 265.

happiness and the welfare of his people the rule of his conduct through life, (however he may have been, occasionally, mistaken in the means of promoting them,) the purity of whose views had never been questioned, and who had just given the strongest proof of his affection for his subjects, in assembling the States-General;—that in such a government, and under such a monarch, there should exist a determined resolution to shake the very basis of social order, by the invasion of private property, and by the abolition of honours, sanctioned by the prescription of ages, and essential to the very existence of the monarchy, is a fact so astonishing as to require the conviction of experience, to secure it belief. But certain it is, that such a determination did actually exist. When M. Malouet communicated his proposed plan to the Abbe Sieyes, and to Target, (the Dunning of the Parisian bar,) the latter did not hesitate to avow his opinion, that it would be highly improper to guarantee *all* the lawful property of the nobility and clergy. The wily priest (who had agreed to sell himself to the Archbishop of Sens, during the administration of that prelate, for a benefice of £500 a year, and to support all the measures of the court; and a mere accident alone had prevented the

conclusion of the bargain,)* admitted the justice of securing the property, but advised that no mention should be made of honorary prerogatives; and when M. Malouet asked him whether he had any design of destroying the nobility, he frankly declared that he certainly had such a design.† M. Malouet, however, having prevailed upon Target to adopt his plan of an address to the King, after he had admitted some slight alterations, proposed it soon after to the Commons, in the form of a declaration: it was very favourably received; but a single observation from Mirabeau,—*that it was a message from the palace,*—induced that wise assembly to reject it.‡

The conferences between the delegates from the different orders finally broke off on the eighth of June, without producing any decision, it appearing evident that nothing less than a total submission, on the part of the first two orders, to the unconstitutional and destruc-

* Bertrand's Annals, &c. p. 415—421.

† See Malouet's own account of this curious scene in the third volume of his published "Opinions."

‡ Mirabeau had no objection to the declaration itself, but was solely influenced by personal pique to Malouet, who had made an in effectual attempt to promote Mirabeau's wish of coming into power. Idem, Ibid.

tive claims of the Commons, could satisfy the latter. The Commons now threw aside the mask; and, on the motion of the Abbe Sieyes, resolved (on the tenth of June) to request the attendance of the other two orders, in the Hall of the States-General, to verify their powers; and the nobility and clergy were, at the same time, informed, that a general call would be made, and default pronounced against the absentees. This decisive step closed every avenue to conciliation. The nobles, who had already done all which the constitution required to qualify them to act as members of the States, of course refused to attend this insolent summons. But the clergy, many of whom were parish priests, taken generally from the lower orders of society, and, consequently, attached to the Commons, betrayed a disposition to yield; and, between the 10th and the 14th of June, several of them joined the democratic party. On the last of these days, the Commons had completed the verification of their own powers; and, on the following, declared themselves legally constituted. But the only lawful denomination which belonged to them, that of *the third estate*, or Commons, by which alone they had ever been distinguished, and which alone the constitution acknowledged and authorized, was not, in the minds of these self-created Sove-

reigns, sufficient to convey to the ignorant multitude an adequate idea of the consequence which they meant to assume, and of the power which they intended to exercise. They, therefore, utterly regardless of the strong fact, that they were sent thither by their constituents, only as members of the third estate, that, in that character alone they had received their instructions, and that the King, and the two other orders, could not, legally, acknowledge them in any other capacity, entered into a long debate on the subject of the appellation, by which they should thenceforth be distinguished. Various titles were proposed by different members,—the Abbe Sieyes first suggested that of "*The assembly of acknowledged and verified representatives of the French nation.*"—Mirabeau proposed to call themselves, "*The assembly of the people.*"—Mr. Mounier contended, that the only true appellation was that of "*The assembly of the representatives of the greatest part of the nation, the smaller absenting themselves.*"—Rabaut de St. Etienne thought "*The assembly of the representatives of the French people,*" was the best;—but it was, at last, resolved, on a new motion of the Abbe Sieyes, to assume the title of "*The National Assembly.*" — This memorable resolution was not finally adopted till the 17th of June. It was prefaced by obser-

vations purporting, that the assembly, after concluding the verification of their powers, found that it consisted of members directly returned by, at least, ninety-six out of every hundred electors in the nation; that a representative body of that magnitude must not remain idle on account of the absence of the deputies of a few bailiwicks, and of certain *classes of citizens;* for the absentees, who had been summoned, could not prevent those who had appeared from exercising all their rights, especially when the exercise of those rights was an indispensable and a *pressing* duty, (although they had neglected to exercise them for nearly six weeks; a time amply sufficient for an assembly of rational and honest men to transact all the business which they had been summoned to transact;) that as those representatives only who had verified their powers, (the nobility had previously verified *their* powers,) could concur in forming the national voice; and as every representative, who had verified, was to be found in that assembly, (a deliberate falsehood, because none of the nobility were there,) it necessarily followed, that it belonged to them, and to them alone, to interpret and make known the general will of the nation.—No other chamber of deputies,

purely presumptive, could diminish the force of their deliberations; that, in short, there could exist, between the throne and that assembly, no negative power; that, accordingly, the assembly declared, that the common work of *national restoration* could, and ought to, be begun, without delay, by the deputies present, and that they ought to proceed without interruption, and without opposition; that the title of *national assembly* was the only one suitable to them, in the actual state of things, because the members who composed it were the only representatives who had *legally*, (another deliberate falsehood) and publicly, verified their powers; because they were directly returned (*as members of the third estate only*, be it observed,) by almost the whole body of the nation; lastly, because the national representation, *being one and indivisible*, none of the deputies, from whatever class chosen, had any right to exercise their functions separately from that assembly; (an assertion belied by the constitution itself, and by the historical and authentic accounts of former States-General;)—that the assembly would never relinquish the hope of being joined by the deputies then absent, nor cease to call upon them to discharge the obligation of concurring to hold the States-General; and they declared, before-hand, that,

if the absent deputies should, in the course of the session then about to be opened, present themselves, they would receive them with open arms; and, after the verification of their powers, pursue, in conjunction with them, their labours for *the regeneration of France;* and that the National Assembly resolved, that the motives of their present determination should be presented to the King, and published to the nation. Target then proposed, and the proposition was adopted, that all the members should take the following oath:—"We promise and swear, before God, the Country, and the King, zealously to discharge the duties with which we are entrusted."

Never was a more wretched composition, a more miserable piece of sophistry and falsehood exhibited, than this resolution presented to astonished Europe; and how such men of sense, information, knowledge, and integrity, as Mounier, Malouet, and several other members of the assembly, could suffer it to pass, without exposing its defects, and entering a solemn protest against every part of it, it is difficult to conceive. If the nation had had no laws, no constitution, no customs, no precedents, to refer to;—if the members of the third estate had had no legal character, and had been convened for no definite object; but had

met in order to frame a constitution and a code of laws for a nation, in its infancy, there might have been some excuse for such a declaclaration. But when their powers were known, when they had laws and precedents to guide them in the path which they were appointed to tread; and, above all, when they had a monarch and a master, whose subjects they were, whose fiat called them into being, and whose will might dissolve them;—to talk of a *national restoration*; of a representation *one and indivisible*; of the *regeneration of France*;—was to assume not only the language of folly and presumption, but the tone of usurpation, rebellion, and treason!—Instead of following instructions, those licentious demagogues exercised the right of dictation;—in violation of their duty, of truth, and of the laws, they destroyed that distinction of orders which was essential to the constitution of the States-General, arrogated to themselves the power of robbing the whole body of nobility and clergy of their lawful rights and privileges, which were coeval with the monarchy,—and had the audacity to oppose their own false assertions to the established rules and customs of the realm, and to proclaim those levelling principles, which were eagerly adopted and extended by the mul-

titude, and were, soon after, successfully directed against the altar and the throne.

Having assumed some of the attributes of supreme power, this motley assembly proceeded to substantive *acts* of sovereignty. The very first use they made of their power, was to usurp the legislative authority, and to accuse the King, and all his immediate predecessors, as usurpers of a right which not one of them possessed. By their simple fiat, they annulled all existing taxes as *illegal*; and then, by their own authority, ordered them to be continued until others should be substituted in their stead, by themselves. As a pompous preamble, equally remote from truth and sense, was destined to precede all the seditious decrees which issued from the various assemblies, which, in succession, usurped the supreme authority of the State, so, on the present occasion, it was premised, that the national assembly, considering that the first use which they ought to make of their powers, the exercise of which the nation had recovered under the auspices of a monarch, who, conceiving the rights of a nation to form the true glory of Kings, had made his own rights consist in acknowledging those of the French people, is to secure the energy of the public administration;—willing to prevent the difficulties which might obstruct the levying of

contributions; difficulties the more serious, as they were supported by a constitutional and ever sacred principle, clearly acknowledged by the King, and solemnly proclaimed in all the assemblies of the nation, namely, the principle which allowed of no levy of money, or contributions, in the kingdom, without the express consent of the representatives of the nation; considering that, in fact, the contributions, as then collected throughout the kingdom, not having been granted by the nation, *were all illegal*, and consequently null in their creation, extension, and *prerogatives*,* declared, that they consented, provisionally, for the nation, that the imposts and contributions, although illegally established and collected, should continue to be levied in the same manner, as they had heretofore been, until the day of the separation of that assembly, in whatever manner that might be produced, and *no longer*; —after which day, the National Assembly meant, and *decreed*, that all levies of imposts and contributions, which should not have been expressly, formally, and freely granted by the

* This passage is extracted from Mr. Dallas's translation of Bertrand's Annals; the original of which was never published. It is not easy to conceive what can be meant by the *prerogatives* of *contributions*, unless, indeed, it was intended to apply to the prerogative of raising taxes.

nation, should entirely cease throughout all the provinces of the kingdom, whatever was the form of their government. The assembly also declared, that, as soon as they should, in concert with his Majesty, *have fixed the principles of the national regeneration*, they would proceed to the examination and liquidation of the public debt, giving the creditors of the state, from that time, security on the honour and faith of the French nation. They finally resolved, that it was one of their first duties, to inquire into the causes of the existing scarcity in the provinces, and to provide a remedy for it in the most effectual and expeditious manner;—they accordingly determined to appoint a committee, to proceed on that important business, and to beseech his Majesty to cause all the documents of which they might stand in need, to be laid before that committee.

By these proceedings the Commons totally destroyed every vestige of that constituent body of the States-General which had heretofore been known as the third estate; they even exceeded the powers vested, by the constitution, in the three orders of the States conjointly;—for these had no power of making a *law*, without the express approbation and consent of the King. It was easy, from this moment, to see at what the democratic party aimed, as

well as to foresee the scenes of anarchy and disorder which followed. The monarchy had now received a severe wound; which might, indeed, be still cured by the wisdom of the King, and of his ministers; but which, if suffered to pass, without the immediate application of a proper remedy, must inevitably prove fatal. The leaders of this desperate party, well aware that they had passed the Rubicon, that they had exposed themselves not only to the suspicions, but the resentment and hatred, of the Sovereign, and of the nobility, resolved to fortify themselves by the aid of that ungovernable populace, with which Paris was crowded, and which were the most ready, and the most active, instruments of the revolution. Indeed, they had very early secured this powerful ally; and, during the late discussions, the hall of the assembly had been surrounded by a ferocious banditti, whose constant howlings, and horrid imprecations, were well calculated to inspire such of the new-made Sovereigns within, who were not in the secret, with terror and dismay. These savages insulted the members of the two first orders, and such of the Commons as were not sufficiently violent to ensure their approbation. Under such auspices, and with such sponsors, was the *new birth* of France, the boasted wonder of the present

age, and the destined object of admiration to posterity, proclaimed to the world!—Tales were fabricated to keep alive the flames of revolt in the provinces, while the gardens of the Palais Royal constantly resounded with exhortations to rebellion and murder, now represented as deeds of virtue, and as proofs of patriotism. If the despotism of monarchy was destroyed, the more intolerable tyranny of terror was established in its stead. Such were the appropriate signs which marked the dawn of French *regeneration!*

During all these scandalous acts of public outrage, and no less scandalous violations of law, and of the fundamental principles of the French Monarchy, the same weakness and indecision which had distinguished the Royal Councils, before the meeting of the States, still continued to prevail there. No one step was taken, either to control the fiery spirits of the Commons, and to confine them within the established boundaries of duty and of law, or to punish the miscreants who preached treason in the capital, and destroyed the freedom of debate at Versailles. At length, however, the eyes of the King were opened, by this last unconstitutional proceeding of the Commons; he began to question the infallibility of his popular minister, and to entertain some serious doubts

as to the wisdom and expediency of the conduct which he had hitherto pursued. Mr. Neckar, at this crisis, suggested the expediency of holding a royal session, *(seance royale)*; the suggestion was adopted by the council; and the twenty-third of June was the day fixed on for the purpose. As some preparations were requisite in the place in which this session was to be holden, it was publicly proclaimed by the heralds, in all the streets, and public parts of Versailles, on Saturday, the 20th of June, between the hours of seven and eight in the morning, that the King, having resolved to hold a royal session in the States-General, on Monday, the 22d of June, the preparations to be made *in the three halls*, used by the assemblies of the orders, rendered it necessary that those assemblies should be suspended till after such session; and that his Majesty would give notice, by another proclamation, of the hour at which he should go to the assembly of the States on Monday. And that the members of the third estate might be fully apprized of the King's intention, the Marquis de Brezé, the master of the ceremonies, sent a letter to Mr. Bailly, who was then president of the assembly, at seven o'clock in the morning, to inform him of it.* Mr. Bailly replied, "that, having

* We are indebted to M. Bertrand de Molleville for the

received no orders from the King, and the assembly having been announced for eight o'clock, he should attend where his duty called him." He accordingly attended at the door of the hall, accompanied by a great number of members, to whom, no doubt, he must have communicated the information which he had received from the Marquis de Brezé. The officer of the guard acquainted them with his orders, and refused them admission. By this time three-fourths of the Commons had assembled in the street, and, with their usual volubility of tongue, and disregard of decency,

knowledge of this important fact, which was the more necessary to be ascertained and published, as the most gross misrepresentations of the King's conduct, on this occasion, had been circulated, and had obtained almost universal credit. Even the intelligent writer of the historical part of Dodsley's Annual Register, for 1789, speaking of this royal session, says,—" without the smallest communication to that assembly (of the third estate) of what was done or intended; *without letter or notice of any sort to their president*; without the smallest preparatory address or management, a party of guards took possession, in the morning, of their hall. Workmen were sent in to erect a throne for the King, the royal session was formally proclaimed by the heralds, and *Mr. Bailly, the president*, with other members of the Commons, were repulsed, without ceremony, or explanation, from their own door." p. 231.—And it is lamentable to see a second edition of this work published so late as 1802, without any correction of this gross mistatement of facts.

launched forth into the most violent declamations against the government, and used every effort to inflame the minds of the gaping multitude around them. "The national assembly," said they "is to be dissolved, and the country to be plunged into the horrors of a civil war; want reigns every where;—every where the people see famine staring them in the face. We were about to put an end to this, by rending the veil which covers the manœuvres of the monopolists, the engrossers, and the whole tribe of miscreants. The Louises XI. and XIII. the Richelieus, the Mazarins, the Briennes, attacked only individuals, or small bodies, with their despotism; but here it is the whole nation that is made the sport of the whims of a despotic ministry."—"Let us assemble on the *Place d'Armes*," said one of these patriotic declaimers, "there we shall recal some of the noblest days of our history, *the national assemblies of the field of May.*" "Let us assemble," said another, "in the gallery of the palace, there we shall present a new sight, by speaking the language of liberty, in that corrupt hall, where, a little while since, the head of him who should have uttered that sacred word would have been devoted to the executioner." "No, no;" said a third "let us go to Marli, and hold our sitting on the terrace; let the King hear us; he will come from

his palace, and will only have to place himself in the midst of his people to hold the royal sitting."*

After the mortified Commons had thus vented their spleen in puerile invectives, and bombastic declamation, which would have disgraced a spoiled child, they resolved to transfer their sittings to the Tennis-Court, in the *Rue du vieux Versailles.* Here Mr. Bailly read the letter which he had received in the morning from the master of the ceremonies, with his own answer to it;—and he had scarcely finished the perusal of the latter, when a second letter from the Marquis de Brezé was put into his hands, of which the following is a transcript:

"It was *by the King's positive order*, Sir, that I did myself the honour of writing to you this morning, to inform you that as his Majesty proposed to hold a royal session on Monday, and as some preparations were necessary in the three halls of the assemblies of the different orders, it was his intention that no person should be admitted into them, and that the sittings should be suspended till after the session to be holden by his Majesty."†

When this letter was read, some of the de-

* Bertrand's Annals, Vol. I. p. 74, 75—Analyse Impartiale du Moniteur, folio, p. 14.

† Bertrand's Annals, Vol. I. p. 76.

mocratic maniacs exclaimed, that the Marquis was guilty of *treason against the country*, and that, unless he produced the King's order, he should be impeached. A scene now followed as disgraceful as any which had been hitherto exhibited. Bailly first rose, and with affected vehemence, and hypocritical lamentation, bewailed the melancholy fate with which the assembly were threatened, and recommended the consideration of some means for averting it. Mr. Mounier, who ought to have known better, but who suffered himself to be led away by men infinitely inferior to himself, in intellectual endowments, as well as in moral virtues, moved the following resolution:

"The national assembly, considering, that as they had been called upon *to settle the constitution* of the kingdom, to *effect the regeneration of public order*, and to support the true principles of the monarchy, nothing should prevent them from continuing their deliberation, and completing the important work for which they were convened; and considering, also, that in whatever place they may be forced to hold their sittings, or, in short, wherever its members shall meet, there will be the National Assembly:—Resolve, that all the members of this assembly shall instantly take a solemn oath, not to separate finally, but to meet wherever

circumstances may make it requisite, until the constitution of the kingdom, and the regeneration of public order, shall be established, and firmly settled upon solid foundations; and that, after this oath shall have been taken, by all its members, they shall all, individually, by their signatures, confirm their immoveable resolution."

Chapelier, Target, and Barnave seconded the motion, and the oath was taken by all the members of the assembly, as, no doubt, would any other oath have been, however unconstitutional and absurd, except by one deputy, M. Martin D'Auch, the member for Castelnaudary, whose name deserves to be transmitted to posterity, in company with that of Mr. Strutt, the member for Maldon, who was the single negative in the British House of Commons on a motion for a vote of thanks to an admiral for not fighting the enemy's fleet on a lee shore, but suffering it to retreat, at its leisure, into its own harbour. On the refusal of this honest gentleman to take an oath which his conscience rejected, a general cry of indignation burst from this virtuous assembly of the champions of *freedom!* With some difficulty, the president, Bailly, prevailed on the members to hear the reasons that Mr. Martin had to assign for his opposition to the measure; when he told them

that he did not feel himself at liberty to enforce any decrees which were not sanctioned by the King.*

It is perfectly clear that this deputy understood his duty better than his colleagues; or at least, that he had more honesty than they in discharging it faithfully. The resolution entered into was replete with falsehoods, and wholly unconstitutional.—It was false to assert, that the States were called to settle the constitution of the kingdom, which had been settled for centuries, or to effect the *regeneration* of public order;—they were specially called to assist the King to surmount the difficulties in which he was involved (through the imbecility of his ministers, and the factious conduct of the Parliament of Paris) to establish, agreeable to his wishes, a steady, constant, and invariable order, in every part of the government, that

* Analyse complete et Impartiale du Moniteur, p. 14.—This impartial chronicler of the revolution, in order to signalize the boasted justice and impartiality of the assembly, on this occasion, observes—"the signature of Mr. Martin (to his protest) was allowed to remain as a proof of the existence of the freedom of opinion!"—So that, according to this confession, the assembly assumed to themselves the right of refusing to any member, who should differ in opinion from the majority, the privilege of having his sentiments conveyed to the public through the same channel by which those of others were conveyed.

interested the happiness of his people, and the prosperity of his kingdom;—and to propose, remonstrate, advise, and consent, to every thing which might concern the present or future wants of the State, and the reform of abuses.* —This was very different from a call to settle the constitution, and to effect the regeneration of public order, which supposes the pre-existence of anarchy. — The resolution was unconstitutional, inasmuch as its object was to declare the assembly permanent; whereas the constitution gave the King the right to dissolve the States at his pleasure;—a right which the Monarch had invariably exercised, and which had never yet been called in question. The oath by which this seditious resolution was confirmed, was called the *Tennis-Court Oath*.—After it had been taken, the members, as if resolved to add insult to injury, made the court resound with cries of *Vive le Roi!*

As the preparations in the different halls took up more time than was expected, it became necessary for the King to postpone the Royal Session to Tuesday the 23d of June. And this was accordingly announced, in the usual way, by the heralds, and the members of the States were invited to attend at ten in the

* See the King's circular letter for the convocation of the States.

morning of that day. The King, as if resolved that Bailly should not again have recourse to the pitiful pretext of not having received instructions directly from him, as an excuse for his disobedience, condescended to write to him on the Sunday to apprize him of the fact.—And, by the superscription, the President might learn, that the usurpations of the assembly were disapproved by the King, who very properly addressed him as *President of the order of the third estate.*—Yet, notwithstanding this letter, Bailly repaired, on the Monday morning, to the Tennis-Court; but as great numbers of the populace, who had been in the habit of mixing with the members in their *hall*, had arrived there before him, the place was not sufficiently capacious to contain them. They then moved to a Franciscan Convent in the town, but the monks very wisely refused them admission, and, having more loyalty than themselves, told them, that "they could not possibly consent that an assembly, in opposition to his Majesty's orders, should be holden at their house."—These wandering deputies vowed vengeance against the loyal monks, and then paraded to their own hall, where, of course, they knew they should be refused admittance. Thence they paraded to the church of St. Louis, which was open to receive them. All this moving from place to

place, had, no doubt, been preconcerted, and its object was evidently to alarm and to irritate the people.—The bishop of Chartres, and several members of the clergy, also repaired to the same church, and deputed eight of their members to the Commons, to ask whether they were willing to allow the clergy their usual precedency. The Commons answered with the same regard to truth which they displayed on all similar occasions,—"That the national assembly respected the rights of the first orders of the state, and that, far from attacking the honours due to them, they would be the foremost to defend them."—And the members of this deputation were told, that the seats placed on the right of the president were reserved for the clergy, a sure proof, as Mr. Bertrand de Molleville justly observes, that all this scene had been previously concerted.—After these preliminaries, the Commons were joined by no less than one hundred and forty nine of the clergy, among whom were the archbishops of Bourdeaux and Vienne; and the bishops of Chartres and Rhodéz.* This proceeding of the clergy was most irregular, as it was adopted clandestinely, and without the knowledge of the order to which they belonged, which, in

* Analyse du Moniteur, p. 14.

obedience to the King's command, had suspended its sittings since the 20th of June.*—It had certainly been produced by the intrigues of the Commons, who spared no pains to sow divisions between the two first orders of the state;—and the exultation expressed on the occasion was suitable to the importance of the object.

On the morning of the 23d of June, the King repaired to the great hall, attended by his principal ministers, and officers of his household, and followed by the three orders of the states. He told the assembly, that in assembling the States-General, in surmounting all the difficulties which attended their convocation, and in thus anticipating, as it were, the wishes of his people; he thought he had done all that depended on him for the good of his people. It appeared that the States had only to complete the work which he had begun, and the nation waited, with impatience, the arrival of that moment, when the beneficent views of their Sovereign, concurring with the enlightened zeal of their representatives, would enable them to enjoy that prosperity which ought to result from such an union. His Majesty observed, that the States-General had

* Bertrand's Annals, p. 82.

now been opened nearly two months, and had not even settled the preliminaries of their operations. Instead of that perfect harmony which the love of their country should have produced, a fatal division had spread alarms in every mind. He was led to believe, and he delighted to think, that Frenchmen were not changed; but, that he might not have to reproach any of them, he must suppose that the renewal of the States-General, after so long an interval, the agitation by which it was preceded, the object for which it was convened, so different from that which called their ancestors together, the restrictions in their powers, and various other circumstances, had necessarily occasioned opposition, debates, and exorbitant pretensions. It was a duty which he owed to his kingdom, and to himself, to put a stop to these fatal divisions; and, for that purpose, he had then come among them.—As the common father of all his subjects, as the defender of the laws of his kingdom, he had come to point out their true spirit, and to repress every infringement upon it. But, after having clearly established the rights of the different orders, he expected from the zeal of the two first orders for their country, he expected from their attachment to his person, he expected from their knowledge of the evils which harassed the state, that, in all matters

concerning the general good, they would be the first to propose a re-union of advice and opinion, which he considered as necessary in the present crisis, and which was calculated to ensure the safety of the state.*

One of the secretaries of state then read the royal declaration, which consisted of fifteen articles. In the first of these, the King declared his will that the ancient distinction of three orders in the state should be preserved entire, as essentially connected with the constitution of his kingdom; that the deputies, freely chosen by each of the three orders, forming three chambers, deliberating by orders, but having the power, with the approbation of their Sovereign, to consent to deliberate in common, could alone be considered as forming the body of the representatives of the nation. Therefore, the King declared the resolutions of the third estate, of the 17th of June, and their subsequent proceedings, null, as being contrary to law, and repugnant to the constitution.— In the second article, his Majesty declared valid all the powers which either had been, or should be, verified, in each of the chambers, and respecting which no objection had arisen.—

* Bertrand's Private Memoirs relative to the last year of Lewis the Sixteenth. Vol. I. p. 357—359.

By the third, the king broke, and annulled as unconstitutional, contrary to the letters of convocation, and prejudicial to the interests of the state, the restrictions in the powers, which, by restraining the freedom of the deputies, would prevent them from following their own inclinations relative to the mode of deliberating, either by orders, or by heads.—In the fifth article, the King allowed such deputies as conceived themselves bound, by their instructions, to apply to their constituents for fresh powers. — In the sixth, he declared that he would not allow such instructions to be considered as imperative, but merely as advice, which the deputies might follow, or not, according to their consciences.—In the seventh, he exhorted the three orders to unite, during the sitting of that assembly of the States only, in order to deliberate, in common, upon matters of general utility; but he expressly excepted, from such deliberations, every thing which regarded the ancient and constitutional rights of the three orders, the constitutional form to be given to succeeding States-General, feudal and manorial properties, the useful rights and honorary prerogatives of the two first orders. He also rendered the particular consent of the clergy indispensable to every regulation, respecting religious concerns, and

ecclesiastical discipline. — By the fourteenth article, the King directed that the general assembly of the three orders should be presided by presidents chosen by each order, and according to their established rank.—In the fifteenth, his Majesty forbade, for the sake of decency, good order, and freedom of opinion, that any other persons than the deputies themselves should be present during the debates.—The intermediate articles related chiefly to the means of deciding cases of disputed returns.

The King, after these articles had been read, again addressed the assembly, and told them that he should now lay before them the different advantages which he granted to his people; but not with a view to circumscribe their zeal within the circle which he was about to describe; for he would adopt, with pleasure, every other means of promoting the public good, which should be proposed by the States-General.—He flattered himself that he had done more for his country than any other monarch had done for any other nation; but no nation deserved more, for their sentiments, than the French. And he did not hesitate to express his opinion, that those persons, who, by preferring exorbitant claims, or by raising unnecessary difficulties, should still protract the effect of his paternal intentions, would render

themselves unworthy to be considered as Frenchmen.

When the King had said this, the second declaration of *his intentions*, which might be considered as the proffered *Magna Charta* of France, and which, it had been happy for the French, had they accepted,—was read.—It contained five and thirty articles.—In the first, it was declared that no new tax should be established, and no old one extended beyond the term fixed by the laws, without the consent of the representatives of the nation. No taxes whatever were to continue beyond the period of the meeting of the next assembly of the states, to that by which it was imposed. No loans were to be made without the consent of the states, except in the event of a war, when the King might borrow any sum not exceeding a hundred millions of livres, rather more than four millions sterling. An account of the revenue, and of the expenditure, was to be published yearly, in a form to be proposed by the States, and approved by the King. All the expenses of the different departments of the government, and even of the royal household, were to be fixed, and never exceeded. All exemptions from the payment of taxes were to be abolished, (as proposed by the two first orders) and they were thenceforth to be levied

equally upon every description of subjects.—Respect for property of every description, for tithes, renewed rents, feudal dues, and manorial rights, was to be observed and enforced.—Means were to be proposed by the States, for reconciling the abolition of *Lettres de Cachet*, with the support of public safety, and the preservation of the honour of private families; and for securing the liberty of the press, without violating the respect due to religion, morality, and private character.—It was proposed to establish provincial states throughout the kingdom, to be composed as follows:—two-tenths clergy, one-half of whom must be chosen from the Bench of Bishops;—three-tenths, nobles; and five-tenths, or one-half, members of the Commons.—These were to be freely chosen, and some qualification in property was to be requisite for every member. These States were to be entrusted with the administration of the provinces, and with the care of the hospitals, prisons, charitable institutions, woods, and forests. The King called upon the States-General to devise the means of turning the royal demesnes to the greatest advantage; and to complete a plan which his Majesty had long had in contemplation for abolishing all Custom-houses in the interior of the kingdom, and for having none

in future, but on the frontiers of the kingdom, in order that a perfect freedom of commercial intercourse might be established throughout the realm. The extreme importance of this regulation can only be conceived by those who have either lived, or travelled, in France, and who must, consequently, have witnessed the great inconvenience arising from the petty Custom-houses in every town. The King suggested the propriety of taking into their serious consideration, the bad effects of the duty upon salt, (known by the name of the *Gabelle*,) and of, at least, providing the means of rendering it less burdensome. He promised to examine, with the most serious attention, the plans which the States should present to him, for the better administration of justice, and for improving the codes of civil and criminal laws. He declared his will, that all laws which he should promulgate, during the sitting of the States, and with their advice, or agreeably to their wishes, should be registered without delay, and carried into execution throughout his kingdom. Personal labour, (La Corvée) in lieu of high-way rates, was totally abolished. His Majesty recommended the abolition of the Seignorial right of *main-morte*, as soon as a proper indemnity could be found for the lords who derived any emolument from it; and he called upon the

States to adopt such new regulations, with respect to the Militia-Laws, as might, without losing sight of the necessary defence of the State, afford that relief to his subjects which he was desirous to extend to them. His Majesty, lastly, declared his will, that all the laws which should receive the sanction of his authority, during the sitting of the present States-General, and particularly those relating to the liberty of the subject, to the equality of imposts, and to the establishment of provincial States, should never be changed without the consent of the three orders, taken separately; and in the concluding article he reserved to himself the same exclusive power over the army, and the police, which had been constantly enjoyed and exercised by all the monarchs of France.

When these articles had been read, the King once more addressed the assembly; telling them, that they had now heard the result of his inclinations, and of his views, which were conformable to the lively desire which he felt to promote the public good; and if, by any fatality, the States should desert him in so glorius an enterprize, he would alone achieve the welfare of his people; and he would consider himself alone, as their true representative; and, knowing the instructions which had been given to the states, knowing also the perfect

agreement which existed between the wishes of the nation, those expressed, and his own beneficent intentions, he should feel all the confidence which such agreement ought to inspire, and should advance, with courage and firmness, towards the object which he had in view.—He then reminded the States, that none of their plans, none of their resolutions, could be converted into laws, without his special approbation. Whence he inferred, that he was the natural guarantee of their respective rights; and he assured them, that they might rely on his equity and impartiality. All mistrust on their part would be great injustice to him.—It was he who had hitherto done every thing for the happiness of his people; and it probably seldom occurred, that the only ambition of a Sovereign was to prevail on his subjects to agree among themselves, in the acceptance of his benefactions.—He concluded by adjourning the States till the next morning, when each order was to resume its deliberations in its own chamber; and he ordered the grand master of the ceremonies to have the three halls duly prepared for their reception.*

In considering the conduct of Louis the

* Bertrand's private Memoirs, p. p. 366—380. Vol. I.

Sixteenth, on this memorable occasion, it would be perfectly unjust, and, indeed, ridiculous, to compare the plan which he presented to the States with the fixed constitution of a free State. It should not be forgotten, that France, at this period, had a settled constitution of her own, which had been in force for a long series of ages, and by which the King was the sole maker and executor of the laws;—in him the whole of the legislative and executive authority was vested; it had been exercised by him, and by his ancestors, for centuries, without question or control; and it was not in the power of the States to deprive him of any portion of it without his own consent; as without that, as he very truly told them, no resolution of theirs could have the force, or effect, of a law.—In the utmost plenitude of his authority, then, *legally* speaking, he voluntarily came before the representatives of the people, and generously proposed to surrender, into their hands, a considerable proportion of that power which the constitution had placed exclusively in his own. He offered to resign the most important part of his prerogative; to strip himself of the authority to make laws, by his own will, and, henceforth, to make none without the advice and consent of the States-General.—The same power of levying imposts,

which had been equally a portion of the kingly prerogative, for ages, he spontaneously abandoned to the same assembly. Arbitrary arrests, by virtue of Lettres de Cachet, which, odious as they were, the King was certainly empowered, by the constitution, to order; together with those taxes, which bore immediately on the people, he abolished;—and he took another material step in favour of civil liberty, by establishing the freedom of the press.—However defective, therefore, his plan might appear, if considered as a new and entire constitution, for a new country, it cannot fail, under the peculiar situation and circumstances of the country to which alone it applied, to strike every rational mind, as an irrefragable proof of the King's purity of intentions, of his ardent love for his people, and of his eager desire to make their happiness and welfare the rule of his conduct.—As such it was entitled to the deepest gratitude of his subjects;—and, although the authoritative terms in which those important concessions were announced, might appear grating to the ears of men, living under a British constitution, it must be remembered, that it was the customary style of the French monarchs, to the States-General, and had never given birth to a single murmur, nor occasioned a single objection.

It is worthy of remark, that Neckar, who originally proposed the royal session, and drew up all the articles but one or two, under a frivolous pretext of visiting a sick relative at Paris, absented himself from the hall when it was held, and left the chair, prepared for him amongst the other ministers, vacant; thereby giving rise to various conjectures, some alarm, and much discontent. His absence is supposed to have been occasioned by some trifling alterations in the plan which he had originally suggested to the King; and, by the wound which his intolerable vanity sustained, by the conduct of his Sovereign, who, in a matter of such extreme importance, deemed it prudent to take the advice of his principal nobility, and, for that purpose, summoned an extraordinary council.—The corrections suggested by this council, and adopted by the King, related to four points. I. — Neckar had omitted, in his declaration, to annul the irregular proceeding of the Commons, in the Tennis-Court, and their unconstitutional assumption of the title of *National Assembly*;—both of which the council deemed essentially necessary.—II. Neckar had taken no notice of the distinction of orders, but merely authorized the assembly to vote, by heads, during that session; whereas the council

determined that it would be proper to allow them so to vote, only on questions which affected every description of citizens.—III. Neckar's plan declared, in the true republican spirit, that the citizens of every class should be admitted equally into all offices, without any other distinctions than that of abilities and virtue.—But the council were of opinion, that the article should be suppressed, because, before the ordinance passed, during the administration of M. de Segur, all descriptions of citizens were admitted into military employments; as they had always been into the magistracy, and into the church, nothing more was necessary for the attainment of Neckar's object, than the simple revocation of that ordinance by th King. And, lastly, Neckar, who, from principle and education, was an advocate for democracy, proposed to empower the assembly to regulate the constitution of all subsequent States-General. But the council very wisely resolved to suppress an article which tended to rob the King of his prerogative, in order to confer it on the States-General; for the right of regulating the form and constitution of the States-General belonged, essentially, and had always belonged, to the King alone. And, if this suggestion of Neckar's had been adopted, there could be no doubt that all future assem-

blies of the States would be composed precisely like the present, having two-thirds of its members selected from the commonalty; for, besides the six hundred members of the third estate, there were two hundred out of the three of which the order of the clergy consisted, who were parish priests, taken from the lower classes of society; consequently, the ancient and unquestionable prerogative of the crown, in this respect, would be annihilated!*

The King's adoption of the proposed corrections so mortified the vanity of Neckar, who thought himself infallible, that he determined not to attend his royal master to the hall, and he even carried his insolence to such an extent that he did not ask the King's permission to be absent, nor even had the decency to apprize him of his intention.—Whether this was done with a view to make the public believe that he was adverse to the very measure which he had himself suggested, or for the base purpose of raising his own consequence at the expense of his Sovereign's well-earned popularity, can only be a matter of conjecture, but certain it is that it produced both these effects.

When the King had left the hall, nearly all the bishops, many of the inferior clergy, and

* Bertrand's Private Memoirs, Vol. II. p. 165, 166.

the greater part of the nobility, withdrew, in obedience to the Royal command.—The other members hesitated, and were mute. The King's speech had made such an impression on numbers of them, that an almost general movement indicated a disposition to obey his injunctions, and to accept his proffered conciliation.—But that profligate demagogue, Mirabeau, who had other objects in view, better suited to his restless and turbulent ambition, than the restoration of harmony between the King and his people, knowing the tools he had to work with, burst out into the following senseless rhapsody:—"Gentlemen, I confess that the plan which has just been submitted to you might be beneficial to the country, if the gifts of despotism were not always dangerous. Why this dictatorial language, this train of arms, this violation of the national temple, to command you to be happy? Who gives you the command? Your Vicegerent. Who makes imperious laws for you? Your Vicegerent; he who should receive them from you; from us, gentlemen, who are invested with a political and inviolable *supremacy*; from us, to whom, *alone*, twenty-five millions of men are looking for certain happiness, as it must be granted, given, and received, by all. But the freedom of your debates is fettered; a military force encircles

the States. Where are the enemies of the nation to be found? Is *Cataline* at our gates? I insist upon it, that, arming yourselves with your dignity, and your legislative authority, you recollect the *religious* obligation of your oath; an oath which does not allow you to separate until you have established the constitution."*

This harangue, which might have been sooner expected to issue from the mouth of one of the breechless orators of the suburb of St. Anthony, than from the lips of a classical scholar, and a nobleman; and which any other assembly in the world, than that which the Count now addressed, would have treated with contempt for its imbecility, if its seditious tendency had not extorted their indignation; operated like an electric shock on the members of the third estate; banished, in an instant, every generous impulse of loyalty, every honest dictate of genuine patriotism, from their hearts; and rendered them as rebelliously disposed as the factious demagogue who uttered it. The ideal sovereignty, with which this emissary of faction invested them, the visionary *supremacy*, with which he clothed them, the audacious licentiousness of his inflammatory tongue, which,

* Idem. Ibid. 167.

thus early, dared to avow the deep-laid plan of systematic subversion, by robbing the King of his attributes and prerogatives, and proclaiming him to be the *servant* of his *subjects*;—all these, which would have inspired an assembly of grave, rational, and sober-minded patriots, with the deepest disgust, produced a totally different effect on the strange mixture of briefless barristers, needy parish priests, and factious adventurers, which constituted a very considerable portion of this representative body of the French commonalty. Their puerile, and almost *infantine*, vanity subdued every worthier sentiment of their minds, and every better feeling of their nature, and they became perfectly ripe for any manifestations of a seditious spirit, which their profligate leader might deem it expedient to call forth.

The grand Master of the Ceremonies, whose peculiar province it was to superintend those preparations, or alterations, in the hall in which the orders assembled, which might be necessary for the different purposes to which they were occasionally devoted, staid after the King for that purpose. Having waited some time, and finding there was a disposition to disobey the King's order of adjournment, he said, " Gentlemen, you have heard the King's intentions."—" Yes, Sir," answered Mirabeau,

" we have heard the intentions which have been suggested to the King; and you, who cannot be his organ in the States-General; you, who have here neither seat nor voice, have no business to put us in mind of his speech.—However, to avoid all ambiguity and procrastination, I declare that, if you have been commissioned to turn us out of this place, you must go for orders to employ force, for we will not quit our seats unless compelled by the bayonet." Here Mirabeau took upon himself to answer for the whole meeting, and Mr. Bailly, their President, and Speaker, the only legal organ of the assembly, remained like a mute in his chair. Many of the members, feeling bold from the assumed boldness of the man whom they suffered to lead them, exclaimed together, " Yes! yes! nothing but force can drive us hence;—the assembly are determined!" The Marquis de Brezé not appearing satisfied with this answer, Mr. Bailly, at length, broke silence, but only *to utter a wilful and deliberate falsehood;* for he said, " The assembly *resolved yesterday that they would continue to sit after the royal sitting;* I can make no change in that resolution, it must be discussed by the assembly." —The fact was, that no such resolution had been entered into by the assembly;—it was not to be found in the minutes of the assembly, and

their official reporter, the Moniteur, takes no notice of it whatever.* These representatives must have been hard driven, indeed, to be reduced to the necessity of justifying disobedience by falsehood;—for every member who heard the President utter this gross fabrication, and forbore to contradict it, incurred the guilt of adopting it, and was equally culpable with its author. The Master of the Ceremonies, having asked the President whether he was to carry this answer to the King, and being told that he was, withdrew.

Mirabeau, alarmed for the consequences of his seditious declamations, and trembling for his own personal safety, shrouded his fears beneath an affected enthusiasm, and exclaimed, "Blessed be Liberty for ripening such noble fruit in the national assembly!—Let us ensure our work by declaring the persons of the deputies to the States-General inviolable. This is no manifestation of fear, it is an act of prudence, to impose a restraint on the violent counsels which besiege the Throne." This motion was unanimously adopted; and, after some discussion, was moulded into the following resolution, one of not the least extraordinary to be found in the annals of French legislative wisdom:

* Analyse du Moniteur, p. 16.

" Considering the necessity of securing the freedom of speech, and the right of each deputy to the States-General to inquire into, censure, and denounce, every kind of abuse, and every impediment to public happiness and to liberty, the national assembly RESOLVE,— That the person of each deputy is inviolable; and that every person, whether public or private; every body corporate, court, or commission, whatsoever, that shall, during or after the present session, *reproach*, call to account, or cause to be called to account, ill-treat, or cause to be ill-treated, arrest, or cause to be arrested, detain, or cause to be detained, the person or persons of one or more deputies, for any proposition, advice, opinion, or speech, advanced, given, or made, by him or them, in or to the *States-General*, or in any of their official assemblies or committees, shall be deemed infamous, and *traitors to their country;* —and, also, that, on all such occasions, the national assembly shall use all necessary means to cause those who shall be the authors, instigators, and exciters, of them, to be brought to account."

By this curious resolution, these patrons of liberty, who had violated, in so many instances, the peremptory instructions of those whose delegates they were, declared their constituents traitors to their country, if they should dare

even to *reproach* them, *or any one of them*, with the breach of their duty! And thus, while they arrogantly set themselves above the King, by whose authority alone they had been convened, and whose authority alone was sufficient to dissolve them, above that King, whom they had reduced to the state of their *Vicegerent*, and whom they dared to *reproach*, to *call to account*, to *insult*, and to *persecute*, even for those acts for which he richly merited their thanks, and their praise, they scornfully threw off all responsibility from their own shoulders, refusing to account even for the disobedience of those mandates which they had received under a solemn pledge, either expressed or implied, of obeying them, at least so far as was practicable, consistently with their duty to the country at large, and arrogating to themselves a *supremacy* which was foreign from their character, and which the constitution disavowed.

When Mirabeau first proposed his motion, in which all *bailiffs, or sergeants at arms*, who should assist, either civilly or criminally, in any process instituted against a deputy, were included, one of the members called out to him, with a jeer, "*Pray, Sir, speak for yourself*;"—for Mirabeau had been, throughout his life, subject to visits from bailiffs, and other officers of justice.*

* Journal de Sabatier, Vol. I. p. 38.

The King's authority was now completely committed; and if he suffered this act of disobedience, on the part of the Commons, to pass without notice, it was easy to see that he might just as well transfer his crown to Mr. Bailly, or to any demagogue whom the assembly might appoint to receive it. He had now the best reason in the world for exercising his undoubted prerogative of dissolving the States-General. They had not only done nothing themselves, towards attaining the objects pressed upon their attention, in the written instructions of their constituents, but they had absolutely refused to let the King himself do any thing towards it.—Louis XVI. therefore, might, with great propriety, have appealed, from these factious emmissaries, to the people, accompanying the appeal with his motives for dissolving them, and with that plan of reform which he had laid before the assembly, and which was framed on the wishes which the people had expressed in their instructions.—Had he done this, it is probable both his life and his crown had been safe.—But, unfortunately, it was his destiny to pursue a far different course.—He took no step whatever either to punish or to resent, the rebellious outrages of these mushroom sovereigns;—and the impunity which he suffered them to enjoy, at once

increased their numbers, and invigorated their efforts.

Neckar, who had absented himself from the sitting, returned to his house, at Versailles, soon after, whither the leaders of the assembly flocked to pay their homage to him, and to load him with praises for opposing the wishes of his Sovereign.—It must be confessed, the incense and the idol were truly worthy of each other!—Neckar waited on the King, in the evening, and no sooner was the mob apprized of his visit than they crowded round the palace, and, under the very windows of the royal apartment, shouted, "*Long live Neckar! No resignation!*" When the minister left his master, it was natural to suppose that he would retire by a private door, in order to avoid encountering the furious plaudits of these rude encomiasts.—But this *modest*, this *humble* citizen, was too fond of popular applause to forego the smallest portion of it which offered itself to his acceptance.—He, therefore, went out at the public door, where, of course, he was surrounded by the mob, who *made him* promise not to resign his place, and carried him on their shoulders to his house.—Soon after, as the Archbishop of Paris was passing along the streets in his carriage, he was attacked, by this same mob, who pelted him with stones, and probably would have

murdered him, had he not effected a speedy escape into a neighbouring church.

The next day the two first orders assembled in their respective chambers, in obedience to the command of their Sovereign. In the clergy, a junction was proposed with the Commons, and, on a division, was rejected by a majority of *one!* The chairman then left the chair, and the majority retired;—after which, in violation of all rule, in contempt of all order and decency, the Archbishop of Bourdeaux (who was much connected with the literary philosophers of the day, and was, consequently, much disposed to democracy) was not ashamed to insist that it was still open for the assembly to deliberate, and that it would be proper to take the sense of the members, *on the same question*, again.—By this manœuvre, and by intimidating nine members, who had remained neuter before, he carried his point:* and this fictitious majority, created by an infamous fraud, hastened to the hall of the Commons, headed by the Archbishops of Bourdeaux and Vienne, and took with them the journals of their order. Nor did these ministers of *peace* blush to point out their more honest associates, who remained true to their King and their

* Bertrand's Annals, Vol. I. p. 112.

country, as the victims of popular vengeance. —History performs the painful, but necessary duty of transmitting, to the execration of future ages, the contemptible names of *Coulmier*, Abbot of Abbecour, and *Oudelot*, one of the ushers of the Chamber of the Clergy, who pointed out from the window at which they stood, to the raging populace below, those members who had manfully refused to sacrifice their honour and their conscience at the shrine of faction.—These loyal men were, as may be supposed, exposed to the most brutal and most indecent treatment; and the Archbishop of Paris was assaulted with still more violence than the day before; and had again a narrow escape with his life, by the seasonable interposition of the military, who arrived at his house, whither the mob had followed him, just in time to save it from demolition.—They were not, however, pacified, until they had frightened the prelate into a compliance with their will, by extorting from him a promise, that he, too, would join the Commons, on the next day.

While the populace were thus actively employed, the *Count de Barbancon*, a member of the nobility, and commandant of Noyon, went to Mr. Neckar's, with two members of the municipality of Noyon, in order to solicit a pecuniary aid for the relief of the town,

where a great scarcity prevailed.—They were denied admittance, on the plea that the minister was engaged on important business;—the Count then opened his business to the clerk, but the clerk referring him to his master, he opened the door of an apartment, in which he found Neckar, surrounded by about sixty persons, among whom were many of the most violent and factious members of the Commons, some of the minority of the nobles, and certain male and female courtiers, who composed the political circle of this intriguing republican.* The whole party started with astonishment, at the appearance of the Count, who experienced a most favourable reception from the minister, and obtained all the relief which he solicited. — During the conversation between them, a young man, a deputy, with dishevelled hair, and his bosom open, abruptly entered the room, exclaiming, "*Bravo! bravo! bravo!*—We have just made the Archbishop of Paris promise to join the order of the third estate to-morrow!" Mr. Neckar's embarrassment now increased to a degree that rendered it perfectly ridiculous, and the Count, having enjoyed it for some minutes, took his leave.† The next

* Bertrand's Annals, Vol. I. p. 114.

† Idem. Ibid. p. 115.

day, Mr. Neckar wrote a servile letter to the assembly, expressing his gratitude for the honour which they had done him, by the anxiety which they had evinced respecting him on the preceding day, and thus affording a complete sanction to all their acts of disobedience to the King, in regard to a measure suggested by himself!

In the hall of the nobles, the debates were conducted with more temperance, and with greater decorum, than in the other assemblies: the majority peremptorily insisting on acting separately; but the minority, comprising forty-four members, out of three hundred, with the Duke of Orleans at their head, joined the Commons.—It was at this period that the odious distinction of *Aristocrats** was first assigned by the factious orators of the Com-

* The populace, who immediately adopted all the cant expressions, without, of course, understanding their import, often applied them in a most ridiculous manner.—M. Bertrand de Molleville relates the following curious instances of this misapplication of the party word *Aristocrate*, in his interesting annals:—"I once asked a shoe-maker, who was a royalist, what an Aristocrat was?—He answered—"*A man who does not love our good King!*"—Another mechanic, of a religious turn of mind, to whom I put the same question, told me—*that an Aristocrat did not believe in God!*—A third said, *that Aristocrats were devils from hell, who wished to starve the poor!*"—Vol. I. p. 120.—Note.

mons, to the faithful adherents to their King, and to the laws of their country;—that distinction which soon became the signal of outrage, desolation, and murder. Among the minority of the nobles, who had joined the Commons, were some men who were loaded with the favours of government. — It was observed respecting them, that they wished to hold their fortunes of the King, and to maintain them by the Commons. There were also some of them blindly devoted to Neckar,—great orators, ephemeral writers, political and literary mushrooms, suddenly sprung from the dunghills of modern philosophy. — Certain philosophers, among the Commons, secret enemies of the great, about whose persons they always flocked, manifested their ancient hatred for the word *Nobility*, and denounced it to the nation.—By so doing they denounced nobility itself; for the people have no notion of abstract terms.

Montesquieu himself was stigmatized as an *Aristocrat*, for having asserted, that no monarchy could exist without nobility. Volumes and volumes were written in favour of the Commons, and their kingly pretensions; and, in order to excite alternate emotions of interest and fear, they were represented, successively, as unfortunate beings, slaves, helots, and negroes;

and as the only men of information, as the nurses of the state;—they were the twenty-four millions; they were the *nation*; the clergy and nobles no longer *orders*, but only *privileged classes*.*

Different bodies of individuals, collected at Paris without authority, and without a character, now sent deputations to the national assembly, to compliment them on their firmness, and on their patriotism; and were admitted with great ceremony, and harangued with great respect, by their president, Bailly. Thus a constant and dangerous communication was kept up between the demagogues at Versailles, and their instruments in the capital; the object of which was to keep the King in awe, to support his republican minister, whose dismission was dreaded; and to intimidate the nobles and clergy who had not yet joined the democratic party. The troops, too, had been tampered with, and the French and Swiss guards, who were stationed in the metropolis, mixed with the populace, walked arm in arm with them, partook of entertainments, provided for them by an unknown hand, and joined in the utterance of seditious sentiments.

The King was now not only perplexed

* Journal de Sabatier, Vol. I. p. 42.

beyond measure, but in extreme personal danger. He had no minister in whose talents or integrity he could confide; he knew enough that was true to alarm him, and more was intimated to him, no doubt, in the hope of bending him to the settled purpose of Neckar's mind. He had an interesting and affecting interview, on the morning of the 27th of June, with the Duke de Luxembourg, president of the nobility, by whom he was deputed; and with the Cardinal de Rochefoucault, the venerable archbishop of *Rouen*, and president of the clergy; and, with the archbishops of Rheims and Aix, who were deputed by their order. These noblemen and prelates imparted to his Majesty their full and cordial accession to the plan which he had proposed at the royal session; and the former requested his Majesty to convene their electors without delay, in order that they might receive fresh instructions from their constituents, to authorize their compliance with his Majesty's wishes. The King told them that the troops had revolted,* and that he must submit to the claims of the Commons. The archbishop of Aix expressed his doubts of the truth of the information which had been communicated to his Majesty, and his sus-

* Bertrand's Annals, Vol. I. p. 137.

picions that the King had been deceived. When this worthy prelate, and his associates, were introduced to another apartment, where were the Queen, Monsieur, the Count d'Artois, the Duke de Luxembourg, and the Prince de Croui, he repeated his suspicions to the whole circle. He told their Majesties, that they had been deceived for the purpose of making them yield; that a double representation had been given to the Commons that they might have double votes on every question. His Majesty's declaration, the prelate observed, would not be received, because it preserved distinctions; and provided for the interests of the King, the clergy, and the nobles; and because it was the intention of the Commons to annihilate the orders with which the monarchy itself must fall.* But nothing could induce the King to depart from that passive system which Neckar had induced him to adopt. He told the Duke de Luxembourg, that he was determined to make every sacrifice, *rather than that a single man should perish on his account.* He should have been told, that the sacrifices which he was about to make, were not merely *personal;* that they affected, at least as much as himself, the two highest orders of the State; and, still

* Idem. Ibid. p. 138.

more, that they shook, to the very foundation, that constitution which was to him as a delegated trust, which it was his bounden duty to preserve uninjured, and to transmit, unimpaired, to his successors. The King, however, dismissed the deputation without a positive answer; but, in the course of the morning, he sent letters to the presidents of the two first orders, urging them to unite with the Commons without delay. In these letters, his Majesty observed that those deputies, who were restricted in their powers, by the mandates of their constituents, might sit in the general assembly without voting, until they should have received fresh instructions. But the nobility did not immediately acquiesce in this desire of their Sovereign; a great difference of opinion prevailed among them; as, indeed, there well might, when they were reduced to the alternative of disobeying their King, or of sacrificing the constitution to his fears; for they could not but know, that the measure which he now recommended was the produce of his fears, because the result of his deliberate judgment, as declared on the 23d of June, was a recommendation of an opposite nature. Taking all the circumstances of the case into their serious consideration, upwards of eighty of the nobles resolved to consult the conviction of their

Sovereign's judgment, rather than the impulse of his fears, and to remain in their own chamber. During the discussions on this subject, the Marquis *de la Queuille* received a letter from the *Comte d'Artois*, most strongly urging the nobility to join the Commons without delay, and intimating, that his Royal Highness knew, to a certainty, that their longer hesitation would expose the King's life to imminent danger. No sooner was this intimation announced, than the COUNT DE ST. SIMON, with the true spirit of a noble Frenchman, put his hand to his sword, and exclaimed, "Gentlemen, the King is in danger! Let us fly to the palace! Our place is about his Majesty's person." "If the Monarch be in danger," said M. de Cazalés, in whose heart, also, the gallant spirit, which had ever distinguished the nobles of France, resided, "The Monarchy is in danger too; to save the Monarchy is our first duty, and we will, then, go and form a rampart of our bodies around the King."

Wisdom, as well as spirit, marked this just observation; and the discussion was about to be renewed, when the Duke de Luxembourg, the president of the assembly, quitted his chair, in a most hasty and irregular manner, and in spite of the remonstrances of many of the members, and cried out,—"There is now no room

for debate, gentlemen, the King's person is in danger, and who, amongst us, will hesitate a moment?"—All this would have been very well, if the Duke's intention had been to second the gallant proposal of the Count de St. Simon, and to hasten to the palace, there to defend the King's life with their swords. Although such a step would not have been so wise, or so proper, as the measure recommended by M. de Cazalés; yet its gallantry, and heroism, would have atoned for its irregularity. But, instead of doing this, the Duke led the members instantly to the Hall of the Commons; and the clergy immediately followed their example. When they arrived, however, most of the deputies were gone. But the presidents of the two first orders informed Bailly, who was still in the chair, that their love and respect for the King, and their anxiety to promote the happiness and welfare of their country, had induced them to repair thither. Bailly, wholly unprepared for this event, made a brief answer, the stupidity of which he imputed to the excess of his joy. He affirmed, however, that the step which they had taken, "for ever put an end to the dissensions which had mutually afflicted them;" and observed, that "the national assembly, or rather *the States-General*, will now proceed, without confusion or inter-

ruption, to the regeneration of the kingdom, and of public happiness."

This assurance of future harmony, and this abdication of the usurped title of *National Assembly*, by its president, were received with the greatest satisfaction by the two first orders. A protest having been entered into by the clergy against the *amalgamations*, as it was called, of the three orders; it was now presented by their president to Bailly, after being read aloud, and was received without opposition. The archbishop of Vienne, however, who had first joined the Commons, in his own name, and in those of the members who had united with him in the base desertion of their order, now disclaimed all concurrence in the protest; and Mirabeau treated it with the most sovereign contempt. The Abbe de Montesquieu unfortunately undertook the defence of the clergy, and proved the truth of an old adage, that an injudicious friend is the worst of enemies; for he acknowledged that, by adhering to the constitution, and performing their duty, they had been in an error; which they now retracted, as a *new light* had dispelled it. But the archbishop of Aix, with a proper feeling for the character of the order, and with a proper sense

* Bertrand's Annals. Vol. I. p. 142.

of his duty, vindicated his brethren from the calumny which the officious Abbe had unworthily cast upon them; and, in a most sensible, eloquent, and impressive speech, asserted their own rights, vindicated the true principles of the constitution, and reminded the assembly of their duty. "It is only," said this respectable prelate, "together, and with the King's approbation, that the orders can, I will not say overthrow, but make the slightest alteration in, the constitution. Nothing can be done lawfully, but by the laws themselves. *They* must direct, and justify, the measures to be taken for their reform. They must regulate the changes to be made in themselves, and the laws declare, *that the opinion of one order cannot bind another; that the opinion of two orders cannot injure or affect the third.* Can you imagine that the resolution of one order alone, in which the other two had neither concurred, nor been consulted, is to overthrow all their principles, and destroy all their powers?"—Having put these pertinent and pointed questions, the good prelate asked, why the simple question of the verification of their powers, which could interest only the members themselves, could not be discussed with temper? and why the discussions should excite popular tumults? The people could not, of themselves,

understand the importance of the question, nor the consequences which it involved. It related to no tax, to none of those heavy duties by which men could be oppressed, nor to any of those interests by which the people could be affected. The question, in itself, did not, in the least, concern them; and, to what extent soever it might be carried, it related only to forms of government, which might, and which should, engage the attention of well-informed men, but which could not be either known or decided by the multitude. Having convinced the demagogues that their plans were perfectly understood, the archbishop sat down, and neither Mirabeau, nor any one of the popular orators, ventured to answer him.

The day after this compulsory union, the nobles returned to their own hall, where they continued to sit for several days; having entered a minute upon their records, by which it appears, "that they had gone into the Hall of the Commons, only in consideration of the danger which threatened the King's life; but that, as that sudden and unforeseen union could only be temporary, they still regarded themselves as forming a separate order, and should, accordingly, continue to assemble separately."* Their sittings, however, were soon

* Bertrand's Annals. Vol. I. p. 152.

terminated by the Hall being shut up. They then assembled at the house of their president, and entered into a formal resolution respecting their own rights, and a solemn protest against any invasion of them. An hour was fixed for the members to sign these papers; but when they arrived at the house of the Duke de Luxemburg, their president, they found that nobleman had deserted his post, and retired to one of his estates, at a great distance from Versailles. The protest was, however, signed, and it was proposed to place it in the King's hands; but his Majesty refusing to receive it, it was deposited with the Count D'Artois, and there left as a monument of the attachment of the nobles to the monarchical constitution of the country.

Meanwhile the union of the different orders had been celebrated at Paris with public illuminations, and other symptoms of joy. And, as if the patriots of the capital considered it as the establishment of the sovereignty of the people, they hastened to shew their contempt for the laws, by proceeding to the prison of the Abbayé, which they forced open, and rescued eleven privates of the French guards, who had been committed thither for refusing to obey the orders of their officers, to disperse the mob which attacked the arch

bishop of Paris at Versailles. These soldiers were conveyed, in triumph, to that focus of sedition, the *Palais Royal*, and the cavalry, employed to quell this partial insurrection, instead of performing their duty, joined the insurgents, and partook of their festivities. A deputation of the rabble was actually sent to *confer with* the National Assembly, on the case of these soldiers, and that assembly of self-created sovereigns degraded even themselves by entering into a long debate, on the answer which their president should give to those ruffians of the capital. The assembly sent a deputation to the King, to beseech him to pardon the offenders, whom they ought to have been the first to intreat him to punish. The King's answer was favourable to their wishes, but he offended them by mentioning the exploded, though constitutional, name of the *States General*, which they took special care to expunge from their journals.

The impunity thus afforded, by the highest authority, to the commission of serious offences, was productive of its natural effect. The populace continued their outrageous conduct, and their audacity increased from that moment. The crowds in the Palais Royal became more frequent, and the harangues of their orators more inflammatory. The persons who attended

there were certainly paid, and, in all probability, the funds were supplied by the Duke of Orleans. "This, at least," says M. de Bertrand, "I can attest, that two persons of my acquaintance, going out of the *Palais Royal*, whither they had been led to mix in the crowd from curiosity to hear the motions, found in their pockets two six-livre pieces wrapt up in paper, on which these words were written: — 'Be one of us, and you shall never want money.' If such were the wages of mere listeners, how much higher must the more confidential agents, the proposers of motions, and others, have been rewarded."*

It was under these circumstances that the King, persuaded that the operation of fear alone could produce the restoration of tranquillity, ordered several regiments to march towards the capital, in the environs of which, and in the neighbouring villages, they were stationed. And the Marshal Broglio was called to Versailles, and appointed Commander-in-Chief of the forces in the Isle of France. The first precaution adopted by this general, and never was precaution more wise or more necessary, was to secure the person of the King, and the Royal Residence, from danger and from tumult.—

* Bertrand's Annals. Vol. I. p. 170.

For this purpose he placed cannon in all the avenues leading to Versailles, and established numerous patroles on the road to Paris. These means of security were converted, by the stupid credulity of one part of the National Assembly, and by the fears of another, into instruments of despotism; and the King, who had made more sacrifices for the preservation of domestic harmony, that were consistent with his duty, was publicly proclaimed, by these licensed heralds of revolt, a cruel tyrant, who projected the destruction of the representatives of the people. No one, unacquainted with the credulity of the French character, which surpasses almost the bounds of belief, could conceive either the rapidity with which these calumnies, not more profoundly infamous, than grossly absurd, circulated throughout the kingdom, or the degree of credit which they obtained.

Mirabeau, who, a few days before, had undertaken to prove to the assembly that Neckar had not taken the necessary measures for preventing a scarcity; but who had been unable to redeem his pledge, and had, moreover, received a formal contradiction in the public papers,* eagerly resorted to another subject

* Journal de Sabatier. Vol. I. p. 63.

of popular declamation. Conscious that he was a legitimate object of punishment, he was in constant apprehension of personal danger;—and, thus actuated by his fears, he interrupted a debate, on the 8th of July, to utter a most violent philippic against the King, in which he used every persuasive to rebellion which his sanguinary mind could supply, and directly exhorted the troops to spurn the restraints of military discipline, and to disobey their commanders. "Was it not enough," exclaimed this unprincipled demagogue, "that the sanctuary of liberty had been stained?—Was it not enough, that the want of attention to the indispensable conveniences requisite for all ranks, and all men, had marked a degrading contempt for the majesty of the nation?—Was it not enough, that the deputies had been treated like strolling players, whose barn the grand master metamorphoses at his pleasure?—But must the military train of despotism spread alarm through the whole nation,—give them, if I may so say, the signal of civil war, and insult them in their representatives?"* He continued, for some time, in this declamatory strain of invective, and at last concluded with a long address to the King, which had evidently been drawn up

* Bertrand's Annals. Vol. I. p. 173—4.

for the purpose, though it was requisite, for theatrical effect, which Mirabeau always studied to make it appear the work of the moment. The purport of this address was to desire the King to remove the troops from the vicinity of Versailles, and of the capital, and to establish a City-Militia for the preservation of peace, in those towns; to dismiss *all foreign regiments*, (which were more difficult to seduce than the natives;) and to rely on the love of his subjects for their obedience to the laws.—For this speech, for which Mirabeau himself, had there been any law then actually in force, in that distracted country, must have been made amenable to it, for the incentives to rebellion which it contained; instead of being called to order, instead of being censured for his violence, was hailed with the general acclamations of the assembly. Indeed, their conduct on this occasion, as on many others, was more like that of a company of "strolling Players," than like the proceedings of a body of grave representatives, employed in the important task of *regenerating* (to use their own expression) a mighty empire. They entered into no deliberation, no debate, on the subject; but immediately proceeded to nominate twenty-four members to present it to the King.*

* A contemporary writer shrewdly observed, that "this

This deputation was not admitted to the Royal Presence till the following evening, when the King, in answer, observed to them, that every body was acquainted with the scandalous disorders which had repeatedly been committed both at Paris and Versailles, under his own eyes, and under those of the States-General; that it was necessary for him to use the means in his power for restoring and maintaining order; to guard the public peace was one of his principal duties;—such were the motives which had led him to assemble troops near the capital; and the States-General might be assured, that they were only designed to suppress, or rather to prevent, commotions; to maintain good order; to secure the execution of the laws; and to protect the freedom of debate in the assembly, whence, not only all constraint, but all apprehension of tumult and violence ought to be removed; that none but ill-disposed persons could cause the measures of precaution, which he had been compelled to adopt, to be misinterpreted to his people; and that he had con-

address was filled with so many different tones, with so many *reflections* on the tenderness and fidelity of the assembly, with so many *protestations* of the danger to which the King was exposed; that every body said of it, there was too much love for so many threats, and too many threats for so much love."

stantly endeavoured to promote their happiness, and had ever had cause to be assured of their love and allegiance. His Majesty added, that if the necessary presence of the troops, in the neighbourhood, occasioned any umbrage, he should have no objection, at the request of the assembly, to remove the States-General to Noyon or Soissons, and, in that case, he would himself remove to Compiegne, in order to keep up the communication between them.

Had peace and good order been the objects which the assembly wished to promote; had they really been intent on performing the duties for the discharge of which they had been sent to Versailles; they would eagerly have embraced the proposal of the King, and have retired out of the reach of those outrageous proceedings, which utterly destroyed all semblance of freedom in their debates, and rendered the assembly an arena for popular gladiators, which none could enter with safety, but candidates for the favour of the mob. The well-disposed part of the assembly expressed their satisfaction at it, and the rest, having no plausible reason for objecting to the plan, remained silent, and determined to have recourse to other stratagems, for producing the same effect. Fresh alarms were spread about the scarcity of provisions, in the hope of exciting a popular insurrection,

and Neckar gave a colour to the report, by a doleful memorial, which he sent, on the 10th of July, to the committee of subsistence; in which he asserted, that the King and the court were to eat nothing but rye-bread, and exhorted the nation to submit, with patience, to the laws of necessity, and the decrees of Providence. On this very day, as if the matter had been concerted between the partisans of the minister, and the satellites of the Duke of Orleans, a motion, which the Prince had never made, for the relief of the people, was bawled about the streets of Paris, containing a pretended offer to advance £12,500 sterling, to prevent a rise in the price of bread. And this minister of vice was, by the wretched populace of Paris, exalted into a paragon of virtue.

The King began, at length, to perceive the utter inutility of temporising measures, and the superlative folly of consigning the reins of government to the feeble hands of Neckar, whose dismissal every motive combined to sanction. On the morning of the 11th of July, the minister received notice to resign his place, and to leave the kingdom. On this occasion Neckar acted prudently, for he kept his disgrace a profound secret, even from his own family; and, in the evening, entered his carriage, under pretence of paying a visit to a

friend in the neighbourhood, and directed his course to Brussels.*

Neckar's departure was not known, at Paris, till the following morning. But that very night the populace committed many outrages, and burnt some of the barriers, at the entrance of the city. Indeed, it has since been proved, that the next day was fixed for a general rebellion, the signal for which was to have been, the setting fire to the palace of the Duke de Bourbon.†—It was prevented, however, by the news of Neckar's dismission, which became the topic of declamation to all the mob-orators of the metropolis. In the Palais Royal, *Camille Desmoulins*, who afterwards made a conspicuous figure, during the triumph of the Jacobins, mounted on a table, and, with the voice of a Stentor, exclaimed, "*Citizens*, not a moment is to be lost; Mr. Neckar is dismissed; his dismission is the signal for another *St. Bartholomew* of Patriots. To night all the Swiss and German battalions

* Bertrand's Annals. Vol. I. p. 192.

† This fact was proved by the depositions of various witnesses, who were examined at the Chatelet, when an inquiry was instituted into the cause of the riotous, and treasonable proceedings, on the 5th and 6th of October following.

will come from the *Field of Mars*, and cut our throats. We have but one resource left—to fly to arms, and to wear a cockade, by which we may distinguish each other." After some discussion, *green* was adopted, as the best colour for this cockade, as signifying *Hope*. This knotty point being settled, Camille pursued his harangue. "Friends," said he, "the signal is given, I already see the satellites, and spies of the police, staring me in the face; but I will not fall into their hands alive." He then drew two pistols from his pockets, and, holding them up, called out, "Let every Citizen follow my example." He led them to the different barriers, some of which were burnt, but others were saved by the timely arrival of the troops. News was soon received of the dismission of three of the other ministers; M. de Montmorin, M. de la Luzerne, and M. de St. Priest; and this was made the pretext for further disorders. Two busts, of the Duke of Orleans, and Mr. Neckar, were procured, and paraded about the streets, where the passengers were obliged to bow to those emblems of vice and folly.

It was natural to suppose, that such a mob, moving through the populous parts of such a city as Paris, would, like a snow-ball, increase in its progress.

Mobilitate viget, viresque acquirit eundo.

They broke open all houses and shops where arms were to be had, and soon amounted to a formidable number. A detachment of cavalry, of the regiment Royal-Allemand, under the command of the *Prince* DE LAMBESC, was sent to disperse them; and, as the dragoons passed the *Chaussée d'Antin*, where the French guards were stationed, that cowardly corps of traitors, who had refused to act against rebels, fired a volley at them, as if conscious that *their* loyalty and obedience were a severe reproof to their own treachery and baseness. The dragoons halted, coolly returned the fire, which killed several of those miscreants, and then continued their march to the Place de Louis XV.; where they found a body of dragoons, who had already broken the busts in pieces, and put the patriotic procession into disorder. The populace having fled for refuge into the garden of the Thuilleries, the Prince de Lambesc, in obedience to the orders of M. de Buzenval, pursued them thither, at the head of the *Royal Allemand.* When he came to the *Pont Tournant*, or *Swivel-bridge*, at the end of the gardens, he found the entrance of it barricaded with chairs; and while his men were employed in removing them, they were assailed with a shower of stones, broken bottles, and other missile weapons. Some guns and pistols were fired at the

insurgents, but without effect; while several of the dragoons were severely bruised, and an officer was badly wounded by a stone.

M. de Buzenval, to whose orders the Prince de Lambesc was subject, commanded him not to repel force by force, but merely to oppose a steady front to the mob. Orders, better calculated to encourage the insurgents, could not be easily conceived;—had they been opposed with vigour, at the first outset of the rebellion, had some hundreds of them been sacrificed to the violated laws, and insulted justice of their country, the effect might have been most beneficial; and the lives of thousands might possibly have been saved. The Prince, however, finding the patience of his men exhausted, and that they were little disposed to sustain such attacks, without repelling them, ordered them to retreat out of the garden, over the Swivel-bridge. But, at this moment, a general cry of "*turn the bridge,*" indicated an intention, on the part of the mob, to prevent him from passing it. The Prince, apprehensive that a dreadful carnage would be the inevitable consequence of such a step, ordered some pistols to be fired in the air; but this not producing the desired effect, he rode up to one of the busiest of the mob, and struck him with his

sabre, when he ran off, and his companions followed his example. The troops then passed the bridge, and joined the Swiss regiment of Chateauvieux, in the Place de Louis XV. where they remained till ten at night, when they were dismissed by M. de Buzenval.*

The Baron de Breteuil succeeded Neckar as Prime Minister; but the new administration did not appear to possess much more judgment than their predecessors; at least they did not seem to have any settled plan of action. All the orders which they gave to the commanders of the military force, were, to secure the bridges of

* Bertrand's Annals, Vol. I. p. 197, 198. There is no one event of the French Revolution which has been more grossly misrepresented than this. The Prince de Lambesc, by all the Revolutionary writers, both in France and England, has been represented as having behaved, on this occasion, with the utmost barbarity; whereas no officer ever displayed more coolness and forbearance than he did. All the facts here stated, respecting his conduct, were proved upon oath, on the trial of M. de Buzenval, who evinced a want of judgment and resolution (to say no worse of him) highly disgraceful to him as an officer. Had proper vigour been manifested, in this early stage of the revolution, what calamities would have been prevented! Who, at this time, will not admit, that it would have been *humanity* to put thousands of these rebels to the sword, and even to have laid Paris in ashes?---Millions of lives might have been saved by such seasonable severity!

St. Cloud and Sêves, so as to cut off all communication between Paris and Versailles.—The mob were left to act at pleasure in the capital; and, on the 13th of July, they forced open several of the prisons, released their miserable tenants, plundered the shops, and provided themselves with arms. Although M. de Buzenval was provided with a sufficient force, not only to disperse, but to chastise, the rebels, he remained perfectly passive, and even withdrew the troops who guarded the prisons.

At this critical juncture, the *electoral body*, (appointed for the sole purpose of electing representatives) although their functions were totally at an end, assembled at the Town-House, invited the inhabitants to meet them; and, after some deliberation, divided the city into districts, and established a city militia of 48,000 men.—Thus, out of these riots, rose an extraordinary power, unknown to the constitution, and the laws, and exercising supreme authority, in the creation of a new municipal government, in the formation of an army, and in the appointment of officers, both civil and military. Paris became an *imperium in imperio*; while the King and the States-General were within the distance of twelve miles from the capital!

When intelligence of these events arrived

at Versailles, the National Assembly, instead of co-operating with the King for the restoration of order, by the exercise of a salutary vigour, again besought him to dismiss his troops, and to leave the capital to the protection of its new militia. The King, for once, replied in a manner becoming his station and dignity. But, instigated by that contemptible political empiric, the Marquis de la Fayette, the assembly again addressed the King, to the same purport, and made his new ministers responsible for all the consequences of a refusal to comply with their wishes. The insurgents soon found that they had little to dread from the National Assembly; and they continued their depredations. On the morning of the 13th of July, they went to the *Hotel des Invalides* in search of arms. M. de Sombreuil, the governor, had received orders to repel force by force, if attacked by the *banditti, (les brigands)* but, by a curious kind of logic, learnt in the school of timidity, he inferred, that the *citizens* were not the *banditti*, and, therefore, in violation of his trust, and in disobedience of his orders, he suffered the rabble to strip the Hotel of all the arms which it contained. With the fruits of this expedition the Parisians armed a great part of their militia, a large body of whom were drawn up in the field of Mars, opposite to the troops who were

encamped there, and as if for the purpose of bidding them defiance. Patroles were distributed throughout the metropolis, and all persons who entered it were stopped, and examined, by the permanent committee of electors, sitting at the town-house. A courier, carrying a dispatch to M. de Launay, the governor of the Bastille, containing orders to defend that fortress to the last extremity, was intercepted, and the dispatch taken from him and read.—The possession of this order was of consequence to the rebels, who had previously resolved to attack the Bastille.—They accordingly repaired thither, on the 14th of July, in the morning, and endeavoured to enter the court by force.—They were told that if they persisted they would be fired upon; and, after some time had elapsed, a few musquets were fired from the castle, which had the effect of dispersing the mob. They soon, however, assembled again; and two men, who pretended to be deputed by some of the district committees, one *Belon*, an officer, and *Thuriot de la Roziere*, an attorney, were admitted by the governor, who assured them that he had no hostile intentions, and should only defend himself, if attacked.—He also, most imprudently, informed them, that the cannon were not loaded, and were even removed from the embrasures,—a fact which he

permitted them to ascertain.—He went still further, and, as if intending to encourage the mob to attack him, he exacted an oath from *his* officers and men, in the presence of these deputed citizens, that they would not make use of their arms unless they should be attacked.*—The deputies professed to be satisfied; and promised to appease the mob; but the mob, during this parley, had increased so much that the deputies could not be heard, and they had nearly lost their lives in the attempt.

During this truce, two men made their way from the top of a perfumer's house to a wall close to the first drawbridge, at the entrance of the Bastille; from thence they reached the guard-house, and leaped into the court. These men were followed by others, who immediately lowered the small drawbridge, for the admission of foot passengers; and proceeded to break the chain of the great drawbridge; by the fall of which one man was crushed to death, and another severely hurt.—The mob rushed in, and, in a short time, completely pillaged the governor's house.

M. de Launay might, with the greatest facility, have destroyed the whole body of insurgents, by firing on them with cannister

* Bertrand's Annals, Vol. I. p. 230.

shot;—but, wishing rather to frighten than to hurt them, he ordered a discharge of musquetry upon those who had entered the court, by which some of them were wounded, and the rest put to flight.—Had this discharge been followed up by others, and a few cannon fired, not a man would have been left within sight of the Bastille, and the patriotic historians of the revolution would have had only the cowardice of their favourite heroes to record.

The mob, however, having brought the cannon which they had taken at the Invalids, renewed their attempt on the Bastille. The cannon played upon the castle; while the soldiers, who appeared on the walls, were shot from the tops of the neighbouring houses.—In this manner was the garrison, consisting of a hundred and fourteen men, of which eighty-two were invalids, and thirty-two Swiss, attacked by thirty thousand of the rabble, assisted by a great number of the French guards. When they had succeeded in setting the governor's house, and the guard-house, on fire, a deputation from the electors, at the town-house arrived, preceded by a white flag. The deputies, however, were prevented by the mob from advancing; and M. de Launay, observing the flag to be stationary, ordered some musquets to be fired, which, however,

did no execution.—The mob, observing this, brought two pieces of artillery up, and planted them at the opening of the avenue to the castle. —The governor then ordered another volley of musquetry, and a cannon loaded with cannister shot, to be fired from the top of one of the towers into the Rue D'Antoine, at the extremity of which the Bastille was situated.

Another deputation was now sent from the town house, headed by the notorious Abbè Fauchét;—but these deputies were as easily dissuaded as the former, from approaching the scene of action;—and the Abbè Fauchét, having more effrontery than courage, magnified the danger which he feared, and returned to give a doleful account of the horrors which he had witnessed. A third deputation was now sent, which, as well as the second, had the following written instructions: " The perma-
" nent committee of the Parisian militia, taking into consideration that there ought to
" be no military force in Paris but that of the
" city, charge the deputies, whom they send to
" the Marquis de Launay, commander of the
" Bastille, to ask him if he is disposed to re-
" ceive the Parisian militia, to defend it, in
" concert with the troops already there, and to
" be under the command of the city. Done
" at the *Hotel-de-Ville*, July 14th, 1789.—

" Signed De Flesselles, Provost and President
" of the Committee; De la Vigne, President
" of the Electors, &c. &c."

This deputation, however, like the others, returned without executing their commission. But had it made its way to the Bastille, it is perfectly clear that the commander must have rejected, with indignation, the proffered terms, which proposed to make one of the King's officers a leader of rebels; for those electors were as much in a state of rebellion, by raising an armed force, and deposing his Majesty's officers, as the French guards, and the miserable rabble who were attacking his fortresses. The line of duty which M. de Launay had to pursue was so perfectly clear as not to admit of either hesitation or doubt. He had no alternative, consistently with his duty, but to defend himself to the last extremity, and rather to bury himself in the ruins of the castle, than suffer the Royal Flag to be lowered to the standard of revolt. But *fear*, or some other unworthy motive, made him adopt a different line of conduct. He caused the drums to beat a parley, and held out a napkin as an indication of his wish to capitulate. As the danger diminished, the fury of the mob increased, and this pacific signal was hailed with repeated vollies of musquetry and cannon. M. de Launay having

appealed to his men, they requested him to stipulate only that they should not be massacred. A piece of paper was then passed to the mob, on which was written :— " We have twenty thousand weight of powder, and if you do not accept our capitulation, we will blow up the garrison, and all the quarters about it."— And an officer, at the same time, said, " We are willing to surrender, provided we are assured that the troops shall not be massacred." The answer to this was an unanimous exclamation : " On the faith of French soldiers we accept it, and will do you no harm; let down the bridge."

Confiding in this assurance, M. de Launay caused one of the drawbridges to be let down, when some of the mob rushed in, and would have been followed by the rest, if some of the French guards, who were there, had not interposed to prevent them. The sentry, who opened the little gate, asked the first, who came up, what they wanted. " The Bastille to be surrendered," they answered; and, at the same instant, the great drawbridge was lowered, and, before it was quite down, a grenadier of the French guards leaped upon it, and the populace followed him.*

* Bertrand's Annals. Vol. I. p. 234—240. A more minute detail of these occurrences than some may deem neces-

Such was the *conquest* of the Bastille, so highly celebrated in the Annals of Revolutionary Heroism! "It is not," says an attentive observer of these events, who was at Paris at this time, and had the best sources of information open to him; "unworthy of history to observe, that the governor of the Bastille would not order the cannon to be fired on the people, who pressed in crowds towards the arsenal, through fear of damaging a small pleasure-house which he had built just by, and to which he was much attached. And, what is not less worthy of remark is, that, at the same moment, M. Buzenval, general of the Swiss, hid himself, that he might not be obliged to command his troops, and suffered the *Invalids* to be taken, through fear that, if the insurrection became considerable, his house would be pillaged, one of the apartments of which had been recently painted, and in which he had just built some elegant baths.—Such were the men by whom the King was served!"

Although the ministers were culpable for not having taken any measures for averting the

sary in such a work as this, has been entered into, on account of their influence on the subsequent events of the revolution, and of the almost uniform misrepresentation which pervades nearly every relation of them which has met the author's eye.

coming storm, the symptoms of which were too strong and decisive to be either mistaken or overlooked, M. de Launay was not the less reprehensible for having entered into any kind of compromise with a furious mob.—Had he defended the Bastille, as he ought, the place was impregnable.* Be that as it may, the unfortunate governor was amply punished for his misconduct. The people, in violation of their plighted faith, seized him, the instant they entered the Bastille, dragged him to the Place de Grève, where, after having subjected him to every kind of insult and outrage on the way, they cut off his head, fixed it on the head of a pike, and paraded it through the streets to the *Palais Royal*. Most of the invalids, too, who were in the Bastille, were murdered, without mercy, by the mob.

The Bastille having been thus basely surrendered, it remained to release those victims of tyranny, with which this horrible den of despotism was always said to be crowded! But what was the surprize, and what the disappointment, of these patriotic insurgents, when, on forcing their way into the towers, in which the prisoners were confined, they found only *seven persons!* The names of these persons were

* Journal de Sabatier. Vol. I. p. 73.

Pujade, Béchade, La Roche, La Caurege, the *Count de Solages, Tavernier,* and *Whyt;* the four first of them were committed on a charge of forgery; the *Count de Solages* was confined, at the request of his family, for offences not known, but which, M. de Bertrand assures us, were "of the most serious nature;" and the two last were mad! This plain fact speaks more forcibly in favour of that mild and merciful monarch, whom the Revolutionary Regicides stigmatized as a relentless tyrant, than volumes of comments! The horrors of this memorable day were completed by the murder of M. de Flesselles, the Provost, who was shot by one of the rabble, at the instigation of that very body of electors whose president he was, on the vague charge of having corresponded with M. de Launay, which there was not the shadow of a proof to support, for which, indeed, there was not the smallest foundation. His head was severed from his body, and, being placed on a pike, was carried, with that of M. de Launay, about the streets of Paris. In this procession of civilized cannibals, appeared a private of the French guards, on a litter, crowned with laurels, and wearing the Cross of St. Lewis. This man, whose looks betrayed his alarm at the unmerited and unwelcome honours thus, unexpectedly, showered upon him, had

been drinking at a public house, in the vicinity of the Bastille, during the attack on that fortress; and did not repair to the scene of action, till an hour after its surrender. Some workmen mistook him for one of those who had been lately employed in the *siege*, decorated him, in the manner already described, much against this will, and, mistaking his reluctance for modesty, carried him in triumph to the Place de Grève. The man acknowledged, the next day, that he had suffered the most bitter anguish till he escaped from these furies, for he fully expected that they were carrying him to the place of execution, and that his head, also, was destined to grace this horrible procession. He was intoxicated at the time; but the next day, when he became sober, he had the honesty to carry the cross of St. Lewis, with which they had decorated him, to the town house.*

It was natural to suppose that the intelligence of these acts of open rebellion would convince the National Assembly of the dangerous tendency of their past conduct, and of the indispensable necessity of strengthening the hands of the King, in order to enable him to act with energy and vigour, against a desperate

* Bertrand's Annals. Vol. I. p. 249.

band of ruffians, who had so openly trampled on all law and justice, and who threatened the utter destruction, not only of the monarchy, but of all legitimate authority, and even of social order itself. Such was the conviction which the news of these events would, assuredly, have impressed on the minds of a similar assemblage of individuals, in almost every other civilized nation of the earth. But the effect was totally different on this French assembly. It was night before they received the information that the *invalids* had been attacked, and the cannon carried off by the mob; Mirabeau, as if dreading that the populace might be checked before they had completed their task of desolation and carnage, had the profligacy to move, that the assembly should attend to no other object until the troops were removed from Paris, and the neighbourhood. His motion did not pass; but it was unanimously resolved, to send another deputation to the King to demand the removal of the troops. The deputies employed on this most treacherous occasion, found the King consulting with his ministers on the best means of quelling the insurrection at Paris, of which he knew no more than had been communicated to the assembly. Destined, as this unfortunate monarch was, to be surrounded at the most

critical periods of his life and reign, with counsellors destitute, alike, of wisdom and of courage, he could fix on no regular and decided plan of action. At a loss how to proceed, when threatened, on one side, by a furious rabble, and, on the other, by a band of treacherous and designing senators, scarcely less furious, and much more dangerous, with no defence but what his troops could afford him, and called upon to remove that last barrier between himself and destruction, he adopted a measure at once indecisive and perilous.—He informed the deputies, that his attention had been incessantly directed to the restoration of tranquillity in the capital; that, in order to concert the necessary measures for the accomplishment of this salutary end, he had sent for the Provost of the traders, (*Prevot des Marchands)* and municipal officers, to attend him; that, having been since informed that a City-Militia had been raised, he had ordered the general officers to put themselves at the head of them, to assist them with their experience, and to second their zeal; and he had also ordered the troops, encamped in *the Field of Mars*, to withdraw from Paris.

While these deputies were at the Palace, two of the electors of Paris, Messieurs Ganilh and Bancal des Issarts, arrived at the assembly,

and reported a resolution signed by M. de Flesselles. These men had left Paris before the Bastille was surrendered; and, consequently, before the murder of de Flesselles. They made a most false representation of the events of the morning, and accused M. de Launay of treachery, in admitting a flag of truce, and then firing on the persons who accompanied it. The assembly, however, gave implicit credit to the falsehood, and Mirabeau, in a rage, called for the head of Marshal Broglio. The two electors, who ought to have been committed to prison for the part which they had themselves avowedly taken in the insurrection, by authorizing the movements of the insurgents, were most graciously received, and invited to take their seats, and be present at the debate which ensued. The assembly were by no means satisfied with the King's answer; and they sent a second deputation to him, demanding the removal of the troops, not only from Paris, but from its vicinity. The King answered:— "You rend my heart more and more by the accounts you give me of the calamities at Paris. It is not possible to believe, that the orders given to the troops are the cause of them.— You know the answer I gave to the first deputation, and I have nothing more to add to it."

Men who were not satisfied with the first answer, were not likely to be so with the second. —And, as the two electors pressed for a reply to the message with which they had been charged, the assembly passed a resolution, which they took with them, in which they virtually justified the conduct of the insurgents, by imputing it to the presence of the troops, and by asserting that they had foreseen it;—they declared also, that they could not cease to importune the King, until he had complied with their request.

If there were any members of this assembly, who really believed that the insurrections in Paris were imputable to the cause which they assigned, and that the removal of the troops would produce the restoration of tranquillity, it is impossible to conceive, by what process their minds could be brought to adopt a conclusion, so utterly irreconcilable with all the knowledge derived from experience, so totally repugnant to reason and common sense. Yet, that there were men of sense, talents, and integrity, in that assembly, is most certain: but it is evident that, if these did not act contrary to their own conviction of right—and if they did, what became of their integrity?—they must have suffered their judgment to be subdued by their fears. A very

great portion of the assembly, however, it is not to be doubted, were rebels in heart. The leaders of the insurrection were among them. Their object was not to annihilate the monarchy, but to depose the King, *virtually*, to vest the supreme power of the State in the Duke of Orleans, under the title of Lieutenant-General of the Kingdom, and to make him succeed to the Crown, by cutting off the intermediate heirs. It was the Duke's money that fed the insurrections which it raised; and all popular movements were secretly arranged by his private committee, consisting of those revolutionary worthies,—the Count de *Mirabeau*, the Abbè *Sieyes*, La *Clos*, and the Count de *Latouche-Treville*. The two first of these ministers of the Palais Royal are but too well known; La Clos was an officer of artillery, secretary to the Duke of Orleans, and author of that licentious production, *Les Liaisons dangereuses;* Latouche was Chancellor to the Duke, and a naval officer, (since promoted to the rank of Admiral, by Buonaparte.) Four greater profligates, either as men or citizens, even France itself could not, at that period, produce.—Their secret councils, like the nocturnal meetings of conspiring demons, were held at Montrouge, near Paris. At this time, while the King and his council were thrown into con-

sternation by the insurrection at Paris, which had so far answered the end for which it was raised, it was proposed that the Duke of Orleans should present himself at the bar of the council, obtain admittance, and offer himself as a mediator between the King and the city of Paris, on condition that he should be appointed Lieutenant-General of the Kingdom. Such was the plan devised by Mirabeau and his associates; but his heart failed him; he did not dare enter the council chamber; and, after the council was over, the only application he made to the King, (and that by letter addressed to the minister,) was for permission to go to England, in case public affairs should take an unfavourable turn!" It was in allusion to this conduct that Mirabeau said to the Count de Virieu, in a conversation on the subject, that "*his timidity marred his success: it was voted to make him Lieutenant-General of the Kingdom; it only depended on himself; his theme was made for him,—every thing he had to say was prepared for him.*"*

It is extremely to be lamented, that the

* *Procédure Criminelle, instituée au Chatelet de Paris; sur la denonciation des faits arrivés à Versailles dans la journée du 6 Octobre,* 1789. *Imprimé par ordre de L'Assemblée Nationale.* Vol. I. p. 216.

King did not, at this time, listen to the advice of Marshal Broglio, who offered to conduct the whole royal family safe to Metz, with the army; nor to that of the Archbishop of Aix, who recommended him to keep the troops where they were, to dissolve the illegal assemblage of electors at Paris, and to restore order and tranquillity to that capital; after which he might safely dismiss the States-General, and make a fresh appeal to the nation. Either of these modes of proceeding would have ensured his safety, and, in all probability, have rescued the monarchy from impending destruction. But it was the ill fate of Louis XVI. and, indeed, the natural bent of his disposition, to pay greater attention to those who advised the adoption of lenient and temporizing measures, than to those who recommended measures of vigour and decision, without ever looking forward to the consequence of such undue, and most unwise, preference. In the present instance, he followed the advice of the Duke de Liancourt, who earnestly intreated him to throw himself, with confidence, on the assembly, and to consent to every thing which they should require. Such an intreaty, under such circumstances, was surely never before pressed by a subject on his Sovereign;—or urged by one man of common sense, and complied with by

another!—The King, accordingly, repaired to the assembly, where his presence was totally unexpected. In a short speech, delivered with evident emotion, he told them, that he had again come among them, to consult on the means of restoring tranquillity;—he alluded to the criminal reports which had been raised, respecting projected attempts on the persons of the members;—he called upon them to assist him in securing the safety of the State; and he informed them that he had ordered the troops to be withdrawn from Paris and Versailles; and authorized them to communicate this information to the capital.

The assembly were so affected by the substance of this speech, and by the manner of delivering it, that they burst forth into repeated expressions of joy. Their President, however, the Archbishop of Vienne, disgracing his station, his character, and profession, contrived to introduce both falsehood and distrust into his answer. He mentioned *orders* of the assembly which they had never given him; and he dared to impute the insurrections at Paris to the dismission of Mr. Neckar. The assembly attended the King to the Palace; and then sent a deputation of eighty-eight of their members, to restore peace to the capital, and to announce the King's orders for the departure of the troops.

While these deputies were proceeding to Paris, the populace, finding all their apprehensions of attack groundless, began to murmur at the late disturbances, and the electors feared that their rage would be directed against them. It was diverted, however, by the dismission of the Commander of the City Militia, and the consequent appointment of M. de la Fayette to that office, and of Mr. Bailly, as the successor of M. de Flesselles, with the title of Mayor conferred on him, because it was intended to vest in him the united functions of Provost, of Lieutenant of the Police, and of Minister of Paris. And these appointments were made by the electors, who were thus guilty of a fresh act of rebellion. When the deputation arrived at the Town House, M. de Lally Tolendal addressed the mob, in an eloquent declamation, in which, by flattering them at the expense of truth, he successfully worked on their passions, and wrought them to his purpose. But, unfortunately, neither his purpose, nor that of M. de Clermont Tonnerre, who followed him, was intelligible. It had nothing fixed or definite for its object. And the deputation, on their return to Versailles, informed the assembly, that the Parisians wished for the recall of Mr. Neckar. Mr. de Lally Tolendal had even the weakness to move an address to

the King, beseeching his Majesty to comply with their wishes; but this was rendered unnecessary by the resignation of all the ministers.

The Parisians having found a perfect readiness, both in the court and in the assembly, to comply with their requests, expressed a wish to see the King. The Count d'Artois, alarmed at the danger to which his Majesty would be exposed, offered to go to Paris in his stead; but the King persisting in his resolution to repair thither in person, the Count bade him farewell, and immediately retired to Germany with his family, as did the virtuous, but calumniated, Dutchess de Polignac, and some others of the nobility. On the morning of the 17th of July, the King, attended only by the Militia of Versailles, and accompanied by a numerous body of the National Assembly, left his palace on his way to the capital. At Séves he was met by the Paris Militia, who conducted him to the metropolis, amidst immense crowds of people, who thronged around him to witness this extraordinary procession. At the first barrier, the King was received by Mr. Bailly, the new mayor, who presented him with the keys of the city, and stupidly observed, that Henry the IVth had conquered h people, but that now the people had conquered their King. The obvious meaning of which expres-

sion is, that Henry the IVth had subdued his rebellious subjects, but that his rebellious subjects had subdued Louis XVI.;—and, unfortunately, there was but too much truth, though little either of wit or of decency, in the obsersation. The King was every where insulted by trophies of insurrection, borne by his rebellious French guards, and tauntingly exhibited to his view, and by exclamations of "Don't say Vive le Roi." — As he passed through the *Elysian Fields*, three or four guns were fired in the direction of the royal carriage, and a woman, who was between the carriage and the spot whence the report proceeded, was killed by a ball,* which was, no doubt, intended for his Majesty, and fired by one of the agents of the Orleans faction. He did not reach the Town House till past four in the afternoon; there he was harangued by the municipal officers; who were answered by M. de Lally Tolendal, whose eloquence was peculiarly calculated to make a strong impression on the people. The King accepted the symbol of rebellion, (the National Cockade) which Mr. Bailly had the audacity to offer him; and he confirmed the appointment of that gentleman to the office of mayor, and that of M. de la Fayette to the command of the

* Bertrand's Annals, Vol. I. p. 312.

Paris Militia. He then appeared at the windows of the Town House, and shewed himself to the people, who now hailed him with transports of unfeigned, and tumultuous, joy. At length, a little before midnight, this virtuous Monarch was allowed to return to his disconsolate and trembling family.

The King had now set his seal to the revolution, and signed the death-warrant of the French monarchy!—Not but that it was still in the power of the National Assembly to direct the returning tide of loyalty to the restoration of harmony, peace, and *law*; but this could only be done by restoring to the King an adequate portion of his legitimate power, to enable him to maintain order, when restored, and to enforce the execution of the laws;—and the majority of the assembly had no such object in view. Commotions were renewed, or rather continued, in different parts of the kingdom, and the mayor of Poissy having informed the assembly, that the populace had seized a rich farmer, of the name of *Thomassin*, on the vague charge of monopoly, and that the militia of the place talked of hanging him, instead of referring this matter to the executive power, to whom alone it belonged to take cognizance of it, the assembly degraded itself, by an act at once of usurpation and of meanness, in sending

twelve of its members to Poissy, to *beg a pardon for Thomassin,* from the ruffians who had him in custody.—Insurrections broke out in many other places; but the assembly adopted no measures for quelling them; they were too busily occupied in sending addresses of congratulation and panegyrics, on their own wisdom and virtue, proposed by their own agents (the members of the *Breton* club) at Versailles.* The next object presented to the cool consideration of these legislative philosophers, was the atrocious murder of Messrs. Foulon and Berthier, accompanied with circumstances of horror, the bare recital of which makes the blood curdle in the veins. The former, who had been director of the war department, was seized by some ruffians, at the country-house of his friend, M. de Sartine, and conveyed to the Town-Hall in Paris, before which a horde of cannibals, with nothing of human beings about them but the form, put him to death. M. Berthier, his son-in-law, who had been intendant of the generality of Paris, was arrested at Compiegne, and conducted to the same place, where he experienced a similar fate. He seized, however, a musquet from the hand of a soldier, and bravely defended himself, till, covered with

* Idem. Ibid. p. 331.—Note.

wounds, he sunk to the earth. One of the ferocious savages, who had assisted in murdering him, perceiving him still to breathe, thrust his hand into the largest of his wounds, and, tearing out his heart, placed it on the table before the committee of Electors, who suffered the execrable monster to escape with impunity. They even allowed him to take up the heart again, to fix it on the point of a sword, and to parade with it through the streets, accompanied by others, who carried the heads of Foulon and Berthier, which they had severed from the bodies, on the end of pikes.* When the National Assembly were apprized of these atrocities, a miscreant, whose name should be preserved for the execration of posterity, (a *young* man too!) BARNAVE, an advocate of Grenoble, son of an attorney of that place, which he represented in the assembly, coolly asked, with a sneer, "*Is the blood that is spilt then so pure?*"

It should be observed, that the crime imputed to that unhappy man was the being concerned in some conspiracy with the late ministers,—a conspiracy which existed but in the imaginations of the mob. M. de Foulon

* Id. Ibid. p. 345.

was further reproached with having observed, that "*These people are brutes fit to eat hay.*" They certainly were less humane in their conduct than any brutes which do eat hay; and such brutes as those who committed the sanguinary acts which have stamped the capital of France with indelible infamy, deserved a much severer fate, than to be doomed to live on hay. It should be remembered, too, that these murders were perpetrated after the establishment of the city militia, and after their commander, M. de la Fayette, had assured the National Assembly, that he had taken effectual means for securing the tranquillity of the capital.

But the most astonishing circumstance attending these events, was the conduct of the National Assembly respecting them. It is scarcely credible, that an assembly of civilized christians, employed to *reform*, or rather to suggest the means of reforming, the abuses of an ancient monarchy, and to devise laws for the maintenance of religious and social order, and for the security of civil freedom, should passively listen to so atrocious an observation as that of Barnave;—should quietly sit by and suffer one of their own members thus to hold out, as it were, a legislative sanction to acts which would have disgraced a horde of cannibals; and to express an *indirect* approbation, at

least, of a wanton and deliberate violation of the laws both of God and of man.—Every man present, who forbore to condemn such conduct, which afforded the strongest encouragement, and even the most potent incentive, to acts of murder and rebellion, was morally responsible for the subsequent atrocities committed by the populace, which followed each other with incredible rapidity!

The King, sincere in his concessions, resigned himself entirely to the wishes of the National Assembly, as far as he was able to ascertain them.—He had, in consequence, recalled Mr. Neckar, who, on his return, expressed his grateful thanks to the Assembly, to whose protection he was certainly indebted for his restoration to power. The other ministers were taken from the Assembly itself. The Archbishop of Bourdeaux, a prelate of a temporising character, and who had been one of the first to sacrifice the rights of his order at the shrine of democracy, was appointed Keeper of the Seals, to which the reversion of the office of Chancellor was annexed. The Archbishop of Vienne, who had so lately disgraced himself, and insulted the King, by his answer to his Majesty's speech in the assembly, was made Secretary of State; in addition to which office he had the superintendence and

control over all vacant benefices in the church consigned to him, which carried with them an immense weight of ecclesiastical patronage.—M. de la Tour du Pin Paulin was appointed Minister of War; and Marshal Beauvau, the intimate friend of Neckar, a member of the council.—These appointments being communicated to the assembly, who had no concern with them, they expressed their perfect approbation of his Majesty's conduct.

The time of the assembly was now principally passed in discussing proclamations for the restoration of order, constitutional projects, addresses to themselves, and accounts of riots and plunder in various parts of the kingdom.—Nothing like permanent regulations were adopted; nothing decisive was accomplished.—The municipal guards, or militia, established in the different towns, increased the disorders they were raised to prevent; violated the freedom of the subject; exercised sovereign authority; became judges, and, not unfrequently, executioners.—Private letters were intercepted, and even the persons of members of the National Assembly were not sacred from the violence of these legalized marauders. M. de Cazales, and the Abbè Maury, two of the most firm and distinguished defenders of the monarchy, were arrested; the one at Causade,

near Montauban, the other at Peronne, by these municipal tyrants; and were only released by the mandate of the assembly. It was now that the cry against *Aristocracy* began to produce its intended effect; the country-houses of the nobility and gentry were pillaged and burnt, and their persons proscribed. In short, all government had ceased; and there existed no power to protect either persons or property, from the attacks of their malevolent or interested enemies.*

The original instigators of these outrageous proceedings alarmed, probably, at the complete success of their plans, and the extent of the mischiefs which they had produced, now sought to divert the suspicion from themselves, and to impress the belief, that they were occasioned by the intrigues of a foreign power, inimical to the establishment of *liberty* in France.—England

* Mr. Salomon, during the evening sitting of the third of August, made a report from a committee, appointed for examining into the different accounts sent to the assembly, from the provinces, in which he stated, that "property of all descriptions was every where the prey of the most atrocious plunderers, and that, throughout the country, the seats of the nobility and gentry were burnt, the convents destroyed, and the farms given up to pillage. Imposts, seigneurial services, all, all is annihilated! The laws are without force, the magistrates without authority, and justice is reduced to a mere phantom, which it is in vain to look for in her usual tribunals."—*Moniteur.*

was the power selected for this purpose; and the tools of the Orleans faction did not scruple, in their journals, to impute all the disorder and commotion, which prevailed in the kingdom, to the agents of the English government.—The imputation, ridiculous as it was, obtained such easy and general belief among the ignorant and credulous Parisians, as to call for the interposition of the British ambassador, who certainly had just reason to apprehend, that the *sovereign people* of Paris would direct their rage against him, and possibly take him by force before the supreme judges at the town-house, and there inflict summary vengeance upon him. The Duke of Dorset accordingly addressed a letter to *M. de Montmorin*, on the 26th of July, which he requested him to communicate to the assembly.

In this letter, the Duke informed the minister, that attempts had been made to insinuate that the Court of St. James's had, in some degree, fomented the commotions which, for some time past, had agitated the capital; that it was about to take advantage of the crisis to arm against France; and even that a fleet was upon the coasts for the purpose of co-operating with a party of malcontents;—that though these reports were altogether destitute of foundation, they appeared to him to

have made an impression on the National Assembly; and the National Courier, which published the proceedings of the sittings of the 23d and 24th of that month, threw out suspicions which pained him the more, as M. de Montmorin knew how far the Court of St. James's was from deserving them. The Duke then reminded M. de Montmorin of some conversations which he had had with him in the preceding month of June, when he imparted to the French government a plot which had been proposed to him relative to the port of Brest, and the answer of his court to that proposal, which it rejected with horror; and its repeated assurances, on that occasion, of attachment to the King and the nation.—His grace concluded with the expression of his desire, that the real sentiments and conduct of the British government should be made public, without delay, as he owed it to his own character, to his country, and to the English resident at Paris, to take care that no further reflections of the kind should be cast upon them.

The assembly expressed their satisfaction at this communication; and the Duke of Dorset, having communicated the account of his conduct to his government, was specially authorized to renew, to M. de Monfmorin, in the most positive terms, the assurances of the

ardent desire of his Britannic Majesty, and his ministers, to cultivate and support the friendship and harmony which were happily subsisting between the two nations. The Duke imparted these assurances to M. de Montmorin, on the third of August, in another letter, which was also laid before the assembly.

The evening of the third of August was rendered memorable by the voluntary annihilation of rights, property, and institutions, which the prescription of centuries had sanctified and confirmed, by those very persons who were not only peculiarly interested in their preservation, but whose bounden *duty* it was to preserve them.—To account for such conduct, it is necessary to observe, that a great number of the members, of each order, were young men, who sacrificed freely to Bacchus, and who, inflamed with wine, repaired to the assembly, and treated every subject, submitted to their discussion, with a degree of warmth, resulting less from the ardour of reason than from the heat of enthusiasm, engendered by their previous sacrifices.—The meeting, on the present occasion, did not begin till eight o'clock, and, after rejecting, as insufficient, a declaration, tending to enforce all the existing laws for the security of persons and property, they proceeded to compliment the ruffians, who had annihilated

that security; and the Viscount de Noailles, in a fit of phrenzy, which ought to have procured him a seat in a receptacle for lunatics, exclaimed, " This, *good* people;—it is not a constitution they desire;—they ask for an equal division of the taxes, the suppression of aids, the abolition of certain feudal rights, and the redemption or exchange of others. For nearly three months they have seen their representatives occupied in what we call *public business*; but public business appears to them to relate more immediately to such things as they are in need of, and which they evidently wish to obtain." And because the people wished to destroy this species of property, and to annihilate these distinctive marks of superiority, it was a sufficient reason, with this wise representative of the nobility, to move that, before any means should be taken for the restoration of order, this work of destruction should be completed!

The motion was seconded by the Duke d'Aiguillon, and the scene which followed was truly ridiculous; never was the sacrifice of property accompanied by such a curious mixture of tears, gestures, and exclamations. It ended with the abolition of all feudal rights, for, although certain reservations were made, in respect of a particular description of those rights, these reservations were afterwards over-

ruled, and the abolition became general. And one member of the nobility, who had nothing but his *dovecote* to sacrifice on the altar of patriotism, or rather at the shrine of Bacchus, made a merit of offering that tribute to the *sovereign people*, observing, in the philanthropic spirit of the evening, that pigeons were hurtful to agriculture.---The game laws which, in France, were more rigorous than in any other part of Europe, were, in a moment, annihilated! If these enthusiastic senators had only amused themselves, and indulged their feelings, with the sacrifice of *their own* property, their generosity, though not their wisdom, might have afforded fair grounds for admiration; but when it is considered, that they thus annihilated the property of others, and reduced thousands, from a state of comparative affluence, to poverty and distress, without the shadow of a legal right, or even plausible pretence, for their conduct, it is impossible to praise their generosity, at the expense of their justice, or to compliment their understanding at the expense of their integrity!

This motion passed, of course, unanimously, and was followed by a decree, which, had it been the result of deliberative justice, would have been entitled to great commendation. By this decree it was enacted, that

taxes should be equally supported, according to the abilities of those who paid them; that justice should be administered gratuitously; that the sale of places should be abolished, as well as all pecuniary privileges and exemptions; that franchises, and peculiar jurisdictions, should be reformed, and that all ecclesiastical, civil, and military employments, should be open to citizens of every description, without any distinction of *birth*. These, certainly, were wise and just regulations; and, had they been adopted in a regular and legal way, and accompanied by a series of corresponding provisions, all tending to strengthen, confirm, and enforce, the principle on which they were founded, they might have formed the basis of individual happiness, and of national prosperity; and have prevented all those disgraceful and destructive scenes, which spread consternation and dismay through all classes of society, from the cottage to the throne. Unfortunately, they were not the legitimate progeny of reason, but the spurious offspring of passion. They were immediately followed by the renunciation of the local privileges of particular provinces and towns, many of which were secured by the very acts which united them to the French Monarchy; and these renunciations were made by some of the representatives of those places, whose pecu-

liar duty it seemed to be to guard them from invasion. But others of their representatives protested against their conduct, and were supported by the Archbishop of Aix, in a most sensible and impressive speech, which, however, in this moment of enthusiasm, or rather of folly, produced no effect. The clergy, not to be behind hand with their colleagues of the order of nobility, offered *their* sacrifices on the altar of patriotism;—they consisted of pluralities; first fruits, and other ecclesiastical dues;—the parish priests resigned their usual fees, and consented to become stipendiaries of the State;—and, to crown the whole, it was decreed, that *tithes* should be suppressed, and a modus established in their stead!—These spiritual enthusiasts seem totally to have forgotten, that they were only *usufructuaries* of the revenues which they thus lavishly, inconsiderately, and *dishonestly*, resigned;—they could enjoy them only for their lives, and for their lives only could they, consistently with honesty and with justice, resign them.

When these men came to their sober senses, the next day, they were astonished, as well they might be, at the extent of their own imprudence and folly, and endeavoured, in the course of the debate, which occurred on the reduction of their irregular motions and decrees

into form, to explain away their meaning, and to procure, at least, some modification of the projected laws, but in vain: it was too late to retract, and the *pigeons* were the only objects which escaped the general proscription;—but, alas! too late to save all the lives of those devoted victims of infuriated patriotism;—for the mob, who filled the galleries the preceding evening, and who heard their death-warrant pronounced, quickly circulated the news throughout the country, and put the sentence in execution, before the reprieve could be received, or even determined. All the decrees were now reduced into order, though not finally passed, and, in their cooler moments, exceeding even the enthusiasm of the preceding night, the assembly pronounced the entire abolition of the whole feudal system. And that the nobles might not be worse treated than the clergy, although the evening before they had resolved, that tithes should be commuted for a modus, they now did not hesitate to decree the entire abolition of tithes!—"Thus," says the eloquent de Rivarol, "was abolished, that patriarchal tribute, which was the most ancient, and the most venerable, that existed upon earth;—thus was burst asunder the band which connected the hopes of the earth with the favours of Heaven; the interest of the Christian Pontiff with the pros-

perity of the Christian labourer; and the canticles, and the prayers, of every age, with the fruits, and the flowers, of every season."*

In vain did some of the members protest, that the sacrifices, which they were about to make, exceeded their powers; in vain did the Abbè Sieyes, the idol of the Palais-Royal, and the first Apostle of Democracy, ascend the tribune, to defend the property of the Church: in vain did he tell the demagogues of the assembly, *that they wished to be free*, and *knew not how to be just*: he consumed himself in the fire which he had enkindled with his own hands, and lost, at once, his cause and his popularity. It was pertinently asked, how the man, who had, in his first works, overthrown the foundations of all property, could expect to make that of the clergy respected. In the truths which he enforced, interest alone was descried; and the people, astonished that he who had recommended the murder of the flock, should wish to preserve the fleece, compelled wise men to acknowledge, that the Abbè Sieyes had either reasoned badly in the tribune, or had reasoned badly in his books. So that he deceived two parties at once; the clergy, who, at first, considered him only as a philosopher in

* Journal de Sabatier. Vol. 2. p. 20.

the habit of a priest; and the *Palais-Royal*, who only regarded him as a priest in the cloak of a philosopher.* The Archbishop of Paris closed the discussion, by a stupid rhapsody, in which he courted popularity by the sacrifice of justice; and giving up the rights of the church, consented that the clergy should become pensioners of the National Assembly.†

This same prelate had, at the end of the discussion of the preceding night, moved, that the assembly should *order* a Te Deum to be sung in the *Royal Chapel*, in presence *of the King*, the ministers, and the National Assembly. His motion passed unanimously, as did another, proposed by M. de Lally Tolendal, at the same time, for proclaiming Louis XVI. the *restorer* of French liberty.

This was the only notice taken of the existence, either of the King or of the Monarchy, during the whole of these curious debates, which are certainly without a parallel in the annals of legislation. Decrees, destroying property as sacred as any that can exist in a

* Idem. Ibid. p. p. 20, 21.

† It is just to observe, that numbers of the clergy hesitated to sanction this unjustifiable and ruinous proceeding; but they were so threatened and insulted by the mob, that they actually consented, through bodily fear, to do an act which their conscience could not but condemn.

civilized state; annihilating rights, and subverting institutions coeval with the monarchy itself, were passed into laws, and as laws promulgated and enforced, without even a single suggestion, on the part of any one member, that it was necessary to have the King's consent, in order to give validity and effect to any of their legislative regulations. In fact, the National Assembly had no more legal right to make a law, than the electoral council at the Town-House at Paris. In this respect they were *usurpers* of the worst and most dangerous species. Their conduct reduced the King to a mere cypher, and annihilated the constitution of the realm. The Archbishop of Aix, indeed, had, on a former occasion, strongly impressed this truth on their minds, when no one attempted to deny the justice of his observations; which were, in fact, unanswerable: but that prelate seems, in the present instance, to have been infected with the contagion of sacrifice, which passed, with the rapidity of an electric shock, through the whole assembly, rendering them deaf to the most cogent arguments, and blind to the most obvious truths. The nobles called that memorable night, *the night of the sacrifices;* and the Commons gave it the equally appropriate appellation of, *the night of the dupes.**

* Journal de Sabatier. Vol. p. 15. II.

The assembly, however, were soon roused from their philanthropic reveries, by the appearance of all the ministers, who, on the 7th of August, interrupted their debates, in order to call their attention to the pressing exigencies of the state, and to deliver a message from the King. The Archbishop of Bourdeaux, at their head, drew a just picture of regenerated France: "The unbridled licentiousness of the times; the laws without force; the forms of justice neglected, and force and arbitrary proscriptions substituted in their place; property invaded in every province; incendiaries ravaging the habitations of the inhabitants; the asylums of piety, industry, and commerce, suspended; and terror and desolation spread throughout the kingdom." Such were the first fruits of the patriotic labours of an assembly, convened, in fact, for the reformation of abuses, and, according to their own account, to give laws and a constitution to their country. The object of the message was to direct the immediate attention of the assembly to the means of suppressing these dreadful disorders. Mr. Neckar completed the picture of misery, by representing the total destruction of the ordinary sources of revenue, the extreme poverty of the government, which rendered a loan of *twelve hundred and fifty thousand*

pounds sterling indispensably necessary, to supply the most pressing wants of the two succeeding months, which would suffice for the completion of the labours of the assembly! But, though the most advantageous terms were offered to subscribers to this trifling loan, the subscriptions never filled; and no other means were taken to suppress the public disorders, than the recommendation of vigilance to the municipal officers, and to the militia, all of whom were the instruments of faction, and the firmest partisans of the revolution.

But the assembly felt the expediency of proceeding, at length, in the task of legislation: and when they began to discuss the principles of the monarchy, even in the state to which they meant to reduce it, they found themselves obliged to admit the necessity of the Royal Sanction to their proceedings, before they could have the force of law.—After many debates, they finally decided, on the 8th of September, that the legislative body should be permanent; and, on the 10th, that it should form but *one* chamber. They next decreed, that the King should have the power of refusing his sanction to their decrees; that the power, however, should not be absolute, but that if the same decrees which he had refused to sanction, should be proposed for his acceptance, by three

successive assemblies, he should be obliged to give the Royal Assent. It was afterwards resolved, first—"That the King's person was sacred and inviolable: second—that the Throne was indivisible: and third—that the crown was hereditary in the male line, in the order of primogeniture, to the total exclusion of females and their descendants.

After the necessity of the Royal Sanction had been admitted, the assembly acknowledged the obligation of submitting their memorable decrees of the 4th of August to his Majesty; but it became a question with them, which shewed how little they suffered their regard even for fundamental principles, to interfere with their revolutionary projects, whether these decrees should be presented to the King for his *consent*, or merely for his *promulgation*. In the latter case, it was evident the King would become the executive officer of the National Assembly, whose province it was to promulgate their decrees. Yet this opinion ultimately prevailed, and the monstrous notion was adopted, that *constitutional resolutions, or decrees*, were to have the force of laws without the King's consent. — Thus the King was to be the only person in the kingdom who was to have no voice, either by himself or by his representatives, in the formation of a constitution, in

which he was certainly infinitely more interested than any other *individual* in the kingdom.—And thus, while general liberty was proclaimed, he was made the only slave in his dominions! After some fruitless opposition to these doctrines, so utterly subversive of the monarchy, his Majesty submitted, and the decrees were promulgated.

Meantime the distress of the government, and the disorders of the country, continued to increase. —All the means suggested by Mr. Neckar for relieving the former, proved impotent:—proposals for a new loan, on terms still more advantageous to the subscribers, were issued, but still without effect;—and to supply the wants of this great monarchy, recourse was had to patriotic offerings of shoe-buckles and watch-chains;—the royal plate was sent to the mint, to be made into coin; and the clergy presented that of the church (which was not *their* property) for the same purpose. The affection which the King incessantly displayed for his people; the cheerful resignation with which the Royal Family, and the nobility, submitted to the most important sacrifices; the readiness which they manifested to adopt any feasible plan for the relief of the country, and for the general good, might easily, under the management of skilful ministers, have turned the tide

of popularity into its ancient channel. But the ministers had not the ability, the judgment, nor the resolution, to give it this direction; and the Orleans party, more desperate in their plans, and more decisive in their measures, exerted all their efforts, and directed all their operations, to counteract the effect of these advantageous circumstances, by the circulation of the most infamous calumnies, and by keeping alive the spirit of discontent, by the most unprincipled artifices, in the provinces, but more particularly in the capital. But nothing was considered to be so well calculated for promoting the success of their projects, as the removal of the assembly to Paris.—Accordingly, this was resolved on, and the 5th of October was the day fixed for carrying their plan into execution. Many of the members of the assembly, who had friends at Paris, were apprized of the existence of this conspiracy, and of the means to be employed for ensuring its success, so early as the 14th of September.* These members were all friends to the King, and to the Monarchy, although they had inconsiderately acquiesced in measures, the natural tendency of which was to destroy both; and, having compared the information which each

* Bertrand's Annals, Vol. II. p. 87.

had received, agreed to hold a conference, at Mr. Malouet's, on the 15th of September.—A committee was formed of fifteen of them, who, having consulted different members of the Commons, or third estate, and unfolded to them the views of the conspirators, secured more than three hundred of their votes, (independently of those of the two other orders, a majority of whom, at least, there was every reason to believe, would heartily co-operate with them,) in favour of an effort to persuade the King to remove the assembly to Tours. Three of the committee, amongst whom was Mr. Malouet, were commissioned to make the proposal to the King. They accordingly requested M. de Montmorin, and Mr. Neckar, to lay it before his Majesty. But, strange to say, this obvious and only means of self-preservation was rejected by the King himself, who, no doubt, judging of the feelings of his subjects by his own, resolved, fatally for himself, and for his country, to remain at his post. The next day, M. de la Fayette sent similar information to M. de St. Priest, one of the ministers, requesting him to communicate it to M. d'Estaing, who commanded the militia of Versailles.—On receiving this intelligence, d'Estaing represented to the municipality the absolute necessity of requesting the transfer of a regiment of the line might be

ordered to join the militia, as they were peculiarly responsible for the safety of the Royal Family, and of the members of the National Assembly. The municipality concurred with M. D'Estaing, and, on the 21st, communicated their intention to the President of the National Assembly. Mirabeau, enraged at this obstacle interposed to the accomplishment of his favourite plan, had not the decency even to conceal his mortification and disappointment. — He forgot himself, indeed, so far as to deny the right of the municipality to make such a request; and exposed himself to the most degrading contradiction which man ever experienced, in the production of the decree which he himself had approved, for giving to the municipalities the very right in question. The municipality accordingly applied to the King, who, by a superabundance of caution, communicated their application, and his own compliance, to the assembly.

In consequence of orders now issued, the regiment of Flanders arrived at Versailles; and the cowardly mob of Paris (for cruelty and cowardice are inseparable companions) were as much alarmed as if Marshal Broglio, [illegible] 30,000 men, had received orders to afraid!" them, and they had not a single man in a life." to resist him. The consternation was such,

that M. Bailly, the new mayor, wrote to the Secretary of War to desire that the regiment of Flanders might be sent away. His letter was laid before the assembly, who refused to take cognizance of it. A dinner, which was given to this regiment, (which a detachment of patriotic prostitutes had been dispatched from Paris, for the purpose of corrupting and of seducing from their duty to the King,*) afforded a fresh subject for declamation to the patriots of the assembly, such as Robespierre, Adrien, Dupont, Petion, and Mirabeau, who advanced upon the occasion the most gross and ridiculous falsehoods.†

At day break, on the fifth of October, the populace began to assemble in Paris, where the agents of the Duke of Orleans had taken special care to produce an artificial scarcity of bread; convinced that the want of *bread* was the most powerful incentive which could operate on the human mind. Some of the Militia of Paris, horse and foot, who had

* Idem. Ibid. p. 46—47.

† It is foreign from the purpose of this history to detail, all interesting and important as they are, the particulars of this transaction, or of the events of the 5th and 6th of October.—They must be reserved for another work;—hitherto they have been most imperfectly, and most incorrectly, related.

assembled for the protection of the Town House, were soon dispersed by a party of drunken women, who pelted them with stones, and drove these civic heroes of the revolution from their posts. The municipality, and M. de la Fayette, were alike threatened by the mob; and they both complied with the requests of the sovereign people, in order to elude their vengeance. The former gave an order to the latter, which the latter solicited, to place himself at the head of the mob, *at the desire of the people*, and to proceed to Versailles. So little did the ministers, notwithstanding the previous information which they had received, expect this attack, that they had suffered the King to go to Meudon, to enjoy his favourite diversion of shooting. They received the intelligence, however, of the horrible procession, about noon, when M. de St. Priest wrote a letter, with which the Marquis de Cubieres immediately hastened to the King: he arrived at the same moment with M. de la Devése, a nobleman of Dauphiné, who had met the armed rabble on the road, and who rode full speed to give his Majesty information of their approach. — "I beseech your Majesty," said this officer, "not to be afraid." "Afraid!" said the King, "I never was afraid in my life."

The gallant nobleman, like a true French noble man of the old school, tendered his services to his sovereign, and swore he would defend him to the last drop of his blood.* The King was much affected, thanked him, and, mounting his horse, returned to Versailles.

An assurance from M. de La Fayette, to the assembly, and to the ministers, that he had hopes of speedily restoring tranquillity to the capital, seems to have lulled the court into a fatal security. Whether the assurance arose from his presumption, or proceeded from his hypocrisy, it is difficult to decide. It was certainly a great folly to give it, and still greater folly to trust to it. M. de Bertrand assures us, that it was not the intention of the Orleans faction to murder the King on this day, but to compel him to leave Versailles, and then to avail themselves of his absence, to declare the Duke of Orleans Lieutenant-General of the Kingdom. His sources of information were certainly good; but there were circumstances attending the occurrences of the 5th of October, which afford the strongest grounds for suspecting that it was intended, by some of the rebels at least, to murder the Queen, if not the King; and, indeed, it is difficult to con-

* Bertrand's Annals. Vol. II. p. 72.

ceive how they could have assassinated the one without the other.

The iron gates of the Palace were closed, and in the open space before them were drawn up the Regiment de Flandres; the Rangers of the Three Bishopricks; the Gardes-du-Corps; the Guards of Monsieur, and of the Count D'Artois, and a squadron of horse; and the Militia of Versailles were stationed in the barracks.—The National Assembly were engaged in the morning in a debate on the King's answer to their metaphysical declaration of rights, and on the *formidable* entertainment given by the Gardes-du-Corps to the Regiment de Flandres; objects of mighty importance, at a moment when a furious armed rabble threatened, with destruction, the palace of their Sovereign. It is worthy of remark, too, that though the presence of a few regiments in the capital had filled them with alarm, an army of rebels, exercising supreme power in that same city, and now advancing to the very place of their sitting, did not excite the smallest apprehension in their minds. Mirabeau's mind, however, was solely intent on the approaching scene, and, four hours before the mob reached Versailles, he went up to the President, Mounier, in the midst of the debate, and, in a whisper, said, "Mr. President, forty thousand

armed men are on their way from Paris;—hurry the debates; break up the sittings;—pretend to be ill, or say that you are going to the King!" —"I never hurry the debates," answered Mounier, coldly; "I think they are but too often hurried through."—"But, Mr. President, these forty thousand men!"—"So much the better; they have but to kill us all;—*all*—do you understand me? and the business of the State would go on the better for it."—"That's prettily said, Mr. President!"—And thus the dialogue ended.

It was three in the afternoon when the *van guard* of the Parisian rebels, consisting of women, and headed by a notorious ruffian, one Maillard, arrived;—a deputation of them went to the assembly, to demand the punishment of the gardes du corps, for insulting the national cockade; the dismission of the regiment of Flanders; and, lastly, *bread* for the inhabitants of Paris.—The assembly, instead of undeceiving these people, and recalling them to a sense of their duty, deputed their president, and some of their members, attended by several of the women, to repair to the palace, and represent their complaints to the King.—The King received them with kindness, and soon sent them away satisfied.—But the expression of [illegible] satisfaction had nearly cost them their [illegible]; [illegible]ne leaders of the mob had still occa-

sion for their services; and, of course, wished to prevent their return to the capital.

By this time the whole of the procession, containing many thousand armed men, of various descriptions, had reached Versailles. The women were employed to distribute money among the privates of the Regiment de Flandres, which, strange to say, they were suffered to do with impunity. The Militia of Versailles required but little trouble to corrupt; they were traitors in heart, like most of the revolutionary Militia; and it was very soon perceived that the *Gardes-du-Corps* were the only troops on whom any reliance could be placed. Even these, if left to the discretion of their officers, and to their own native courage, might have sufficed to disperse the cowardly rabble, armed and unarmed, by which they were surrounded. But, as if the King were bent on his own destruction, he had restrained them from acting, by giving positive orders to them not to fire. The mob soon became sensible of this imprudence, and proceeded to insult and assault these brave men with impunity. The *Gardes-du-Corps* were repeatedly fired at; even the traitorous Militia of Versailles fired a volley at them, as they passed the place at which they were stationed.

M. de St. Priest, perceiving the dang[illegible] situation in which the royal family

placed, hastened to the palace, and, throwing himself at the King's feet, vowed not to rise until his Majesty had granted his request. The King, after a great deal of hesitation, promised compliance; and the minister then told his Majesty, that the only means of saving him and his family from destruction, was to leave Versailles in an hour, and proceed to Rambouillet; that he would immediately go and make the necessary preparations, and would wait for his Majesty at the end of the park. He had not been long gone, however, before the King began to waver; and, actuated by that spirit of indecision, which ultimately brought him to the scaffold, he sent to countermand the orders which he had suffered to be given; and endeavoured to allay the tumult *by the dismission of the troops!!!*—The palace was now, as might naturally be expected, regularly besieged;—the Gardes-du-Corps were formally attacked, and the royal family were in imminent danger. The carriages were then sent for, by some of the King's attendants, though without the King's knowledge; but too late: the rebellious Militia of Versailles had secured every avenue, and the carriages were stopped in their way to the palace, and conveyed back to the stables.

M. de la Fayette went in person to the palace, to renew to the King those assurances

of safety which he had first made in his letter of the morning. At his request, the French guards, who formed a part of the rebels who had accompanied him from Paris, were admitted to resume their former stations, and all the gates of the palace were thrown open to receive them. The mob were exceedingly tired, and hastened to make good their quarters for the night, wherever they could; threatening, however, to wreak their vengeance on the Gardes-du-Corps on the following day. But la Fayette protested to the King, "that the people were tranquil, and that the army would march back next morning, by break of day. *I beseech your Majesty* (added he) *to go to bed,* and *to repose fully on my care;*—I WILL BE ANSWERABLE FOR ALL!"*—Was the Marquis a *fool* or a *traitor?*

Reposing on the word of La Fayette, the Royal family retired to rest; the National Assembly, too, with the exception of some of the most furious demagogues,†—such as Mirabeau, Barnave, and Petion, left their hall as usual. The *Duke de Guiches* withdrew the

* Bertrand's Annals. Vol. II. p. 102.—This was said in the presence of the Duke de Guiches, (who commanded the *Gardes-du-Corps*) on whose authority it is related by M. de Bertrand.

† Journal de Sabatier. Vol. II. p. 265.

detachment of body guards, which had been stationed upon the terrace to Trianon; La Fayette himself, went quietly to bed; and the palace was left to the protection of less than a hundred of the Gardes-du-Corps, who were stationed within its walls; and a detachment of the French guards, who took their posts in the courts without. Two hundred gentlemen, indeed, resolved to form a body of horse, to be ready to defend the Royal Family in case of attack; and applied, through Madame Elizabeth, to the Queen, for an order for horses from her stables; and her Majesty wrote, herself, the following order, which she sent to the President *de Frondeville.* "I order two hundred horses to be got ready for M. de Luxembourg, to be employed as he shall think proper, if the King's life should be in the least danger; but if I only am in danger, no use shall be made of the present order."* The whole of the Queen's conduct, at this dreadful conjuncture, perfectly corresponded with the resolution, and presence of mind, displayed in this order.

At a quarter past five in the morning, of the 6th of October, the attack on the palace began. The scenes which followed, beggar all description. The King, in pursuance of that same system of spurious philanthropy which

* Bertrand's Annals. Vol. II. p. 105.

marked the whole of his conduct, had commanded his body guards "*not to fire upon, nor to strike, any person;*" *in short, not to defend themselves.* To their major, the Count d'Aguesseau, who delivered the orders, these gallant men answered, "*Sir, assure our unfortunate master that his orders shall be obeyed, but we shall be murdered.*"* Many of them, indeed, were murdered, in a most cowardly and barbarous manner by the mob. But they succeeded in defending the passage to the Queen's apartments, long enough to enable her Majesty to escape from it just in time to elude the fate that was intended for her;—for the mob repeatedly exclaimed, *that they must cut off the Queen's head, that they wanted to tear her heart out.*† Some of the ruffians entered her chamber immediately after she had left it, and wreaked their impotent vengeance on the bed. Many of the Gardes-du-Corps were rescued from the fury of the mob, by the active humanity of one of the captains of the Paris Militia, a physician, of the name of Gondran; and the grenadiers of the French guards, whose conscience smote them for their past treachery,

* Idem. Ibid. p. 110.

† Idem.—p. 114.

saved the lives of others.—After this work of rebellion and murder had continued for a considerable time, M. de la Fayette, awaked from his slumbers, mounted his charger, and exerted himself most actively in putting a stop to the disorders which he ought to have prevented.

The Royal family had all assembled, in safety, in the King's cabinet, and the mob had been driven out of the palace, before the *ministers* made their appearance.—Neckar, the idol of the people, had lost both his eloquence and his courage;—he dared not address those Parisian friends over whom he so recently flattered himself he had an unbounded influence; but was compelled to contemplate, in silent horror, the dreadful scene before him.—The mob were still firing in front of the palace; and a ball passed very near the window at which the Queen was standing.—Her cool, intrepid courage, however, soon converted the savage maledictions of this furious rabble into cries of admiration, when, fearless of danger, she obeyed their ferocious summons to appear in the balcony.

Whether this sudden and unexpected turn in the disposition of the mob defeated the immediate object of their expedition, and disap-

pointed the hopes of their leaders; or whether the man, whose ambition stimulated, and whose money paid, their exertions, wished still to keep up appearances, and to avert suspicion from himself; or whether he only wanted to know what was passing in the interior of the palace, and to watch for an opportunity of renewing the attack, should it be found practicable, the Duke of Orleans now thought proper to visit the palace.—But a few minutes before he had been seen in the midst of the rabble, who hailed him as their chief, and their *father*, and whose applauses he received with undisguised satisfaction.—If he had not been as destitute of feeling as of principle, he would not have dared to make his appearance in the midst of that family whose lives he had so recently sought;—for it is proved, by incontestible evidence, that he was on the stair-case, in the morning, when the mob rushed up it, and shewed them the way to the Queen's apartment.* — The rebel prince experienced the

* The proof of this horrible fact is found in the proceedings instituted by the Chatelet, at Paris, for the purpose of investigating the causes of the outrages committed at Versailles, on the 5th and 6th of October.—It is contained in the deposition of the Chevalier de la Serre, an old officer, and a knight of St. Louis, who relates a conversation which he had with some of the mob, respecting the Duke, and who positively

treatment which he deserved;—the Royal family beheld him with silent contempt; but some of their noble attendants cast on him looks of indignation that would have roused the spirit of any other man in France, except himself and Mirabeau.

But the most fatal effect of this revolutionary expedition to Versailles, was the rash and imprudent resolution which the King took, at the instigation of the mob, to transfer his residence from Versailles to Paris. This gave to the faction of Orleans every advantage which they could now hope to derive from their arts and intrigues.—It, in fact, placed the Royal Family entirely in their power. While the King was deliberating on the propriety of acceding to the wishes of the populace on this subject, he sent a message to the National Assembly, requesting they would come to him and assist him with their advice. But Mirabeau, having declared it to be beneath the dignity of the assembly to comply with the King's request, (although he had not thought it beneath their

swears, that he himself *saw the Duke of Orleans, at the head of the people, pointing out to them the way to the room in which the Queen's body guards were stationed*; and which joined her Majesty's apartment. — *Suite de la Procedure criminelle, instruite au Chatelet*, Vol. II. p. 84.

dignity to admit the lowest and most profligate of the rabble to sit with them in their hall, and to clap or hiss their speeches, as they would the performance of an actor in the theatre) the assembly acquiesced in his opinion. — When, however, they heard of the King's determination, they resolved, that wherever the King was there the assembly should be; and appointed a deputation of a hundred members to attend his Majesty to the capital. It was left to the president to make out the list of names, from which he excluded that of Mirabeau, which one of the secretaries, at his desire, had officiously placed upon it.—Mirabeau, vexed and disappointed, told the president that he only wished to be one of the deputation, that he might appease the people, in case of any tumult on the King's arrival at Paris:—" Sir," said Mounier, " *they who have power enough over the minds of the people to appease them, may also inflame them.*"*

The King left Versailles, that very day, at noon, with the whole of his family now remaining in France; and, after enduring every species of insult, on the road, the heads of two of his murdered guards being carried on pikes, in the front of the horrible procession, arrived

* Bertrand's Annals. Vol. II. p. 143.

at his last prison, late in the evening. He took up his abode at the palace of the Thuilleries, which was totally unprepared for his reception;—and, on the 19th of October, the National Assembly held their first sittings in the capital.

CHAPTER XIV.

Favourable sentiments of the People of England respecting the French Revolution—Attachment to the Constitution of Great Britain—The cause of those sentiments in some—Imputable to revolutionary principles in others—The Revolution Society—Doctor Price—Earl Stanhope—Congratulatory address of the Society to the National Assembly of France, adopted at the instigation of Doctor Price—Contrast between the British and French Revolutions—Cautious conduct of Mr. Pitt, on the subject of French affairs—Meeting of Parliament—Army Estimates—Opposed by Mr. Fox, as too great—Mr. Fox echoes the sentiments of Mirabeau and Robespierre, in panegyrising the rebellious conduct of the French Military, which he holds up as a glorious example to all the armies in Europe—Tendency of such praise—Answered by Colonel Phipps, who contrasts the conduct of the British troops, in 1780, with that of the French at this period.—Mr. Pitt supports the proposed Estimates—Mr. Fox again applauds the French Revolution—Eloquent speech of Mr. Burke—Mr. Burke aptly characterises the spirit and principles of the French Revolution, and the conduct of the French soldiers;—and contrasts them with those of the English Revolution, and of the English soldiers—Mr. Sheridan opposes Mr. Burke, and praises the French Revolution—Charges Mr. Burke with having libelled Bailly and La Fayette—Mr. Pitt closes the debate, and expresses his thanks to Mr. Burke—Mr. Fox moves for the repeal of the

Test and Corporation Acts—Debates on the subject—Mr. Pitt opposes the motion—Defines the nature of Toleration—Defends the principle of Tests, as congenial with the spirit of a Monarchial Government—Argues the question on the double ground of right and of policy—Proves the Test Laws to be no violation of the rights of the Subject, but a restriction on the prerogative of the King—Demonstrates the necessity of an Established Church, and the necessity of Test Laws for its support—Mr. Burke supports the arguments of Mr. Pitt—Notices a meeting of Dissenters at Bolton—Acknowledgment of their designs to abolish Tithes and the Liturgy—Exposes the dangerous tendency of their conduct—Motion rejected by a great majority—Parliamentary reform—Mr. Flood's project—Opposed by Mr. Windham; by Mr. Pitt; withdrawn—Mr. Sheridan moves for the repeal of the Tobacco Act—Answered by Mr. Pitt, who defends the law, and exposes the frauds of the Manufacturers—Motion rejected on a division—Mr. Pitt opens the Budget—Prosperous state of the Revenue—Reverse of the picture, by Mr. Sheridan—Dispute with Spain—Nootka Sound—King's message to Parliament—Address of both Houses—King's speech—Dissolution of Parliament—Mr. Fitzherbert sent to Madrid—Discussions between the British Ambassador and the Spanish Minister—Spain applies to France for the fulfilment of the family compact—France not disposed to go to war with England—Spain, despairing of assistance, complies with the demands of England—Final adjustment of the dispute in a convention.

[1790.] The impression made, on the minds of the people of England, by the recent occurrences in France, was various. — The

general opinion, however, was highly favourable to the Revolution, and even its most criminal excesses, grossly misrepresented in publications industriously circulated, were viewed, by the multitude, with a favourable eye.—Attachment to the British constitution naturally generates an abhorrence of despotism, under every possible form and shape.—And to this principle may, probably, be attributed the praise which many men, of superior intellects, bestowed on, what they considered, the efforts of the French nation to shake off the shackles of tyranny, and to establish a new government, on the basis of civil liberty. But such men must have contemplated the revolution in the abstract, and have looked to remote consequences which their ardent imagination represented to them as certain, without descending to any minuteness of enquiry into the motives in which it originated, the means by which it was accomplished, or the effects which it had *actually* produced.—This, however, is not a fair, or a wise, way of viewing any question of moral or political importance. — And such reasoners, too, must admit the jesuitical principle, that the *end* justifies the *means*.

But while the love of freedom led many, certainly without due consideration, to admire the French Revolution, the admiration of

others flowed from a very different source;—from a revolutionary ardour, and a fondness for innovation, which led them to look on all resistance to power as commendable, to confound revolt with liberty, and to convert conspirators into patriots.

Amidst this general predilection for the new politics of regenerated France, there were some few enlightened minds, who viewed the French rebellion with horror;—who considered the principles broached by the leading members of the National Assembly, and adopted by the majority, as striking at the very root of society; and who foresaw that those outrageous proceedings, instead of producing such a change in the condition of the French people, as every friend to rational and well-regulated freedom must desire, would bring forth the most calamitous consequences, and terminate either in popular anarchy, or in the establishment of unqualified despotism.

Among its most ardent admirers, was an assemblage of persons, who had associated themselves for the purpose of commemorating the British Revolution of 1688; and who appear to have seen, in that event, nothing but what was *revolutionary* as deserving of their praise, and thence to have conceived an idea, that they were bound to stand forth the champions of

every revolution in every country.—The members of this "Revolutionary Society" were chiefly dissenters from the established church; but the president, at the period in question, was a British Peer; a man, the eccentricity of whose character is, fortunately, so well understood as to remove all apprehensions from the minds of the British nobility of having him considered, even by foreigners, as a fair specimen of the aristocracy of the kingdom.—Dr. Price, a dissenting minister, equally eminent for his talents and for his zeal, who was one of its most distinguished members, could not suffer the opportunity to escape, which an anniversary meeting afforded, (in November, 1789) for proclaiming his admiration of the new principles which had been promulgated at Paris and Versailles.—Accordingly, after the committee had laid down three *fundamental* principles, the last of which was as incontrovertibly just, as the two first were false, untenable, and mischievous,* and had resolved

* "These propositions," containing the fundamental principles of the Society, were—"1. That all civil and political authority is derived from the people: 2. That the abuse of power justifies resistance: 3. That the right of private judgment, liberty of conscience, trial by jury, and the freedom of election, ought ever to be held sacred and inviolable."—*The Correspondence of the Revolution Society in London, with the National Assembly, and with various societies of the Friends of Liberty, in France and England.* P. 2.

to congratulate the members of the Society "on the glorious success of the French revolution," and to express "their ardent wishes that *the influence of so glorious an example may be felt by all mankind*, until tyranny and despotism shall be swept from the face of the globe;"* the Doctor moved a congratulatory address to the National Assembly of France, which was unanimously adopted. In this address, the Society, disdaining national partialities, and rejoicing in every *triumph of liberty and justice* over arbitrary power offered to the National Assembly of France their congratulations on the revolution in that country, and on the prospect it gave to the two first kingdoms in the world of a common participation in the blessings of civil and religious liberty. They expressed the particular satisfaction with which they reflected on the tendency of the glorious example given in France to encourage other nations to assert the *unalienable* rights of man-

* This resolution was accompanied with a call to "the people to establish societies throughout the kingdom, upon *revolution principles*, to maintain a correspondence with each other, and to form that grand concentrated union of the true friends of public liberty, which may be necessary to *maintain its* existence."---It is not improbable, that the hint here suggested gave birth to the affiliated societies of the jacobins in France, which proved so powerful an engine of destruction.

kind, and thereby to introduce a general reformation in the governments of Europe, and to make the world free and happy.

How far the triumph of *liberty and justice* had been secured by the revolutionary transactions in France, may be easily decided, by the faint sketch of those transactions exhibited in the preceding chapter. — Certainly no two events could differ more essentially, in their fundamental principles, and in all their leading features, than the English revolution of 1688, and the French revolution of 1789;—the grand principle of the one was *conservative*, that of the other *destructive*;—the end and object of the one were to maintain, inviolate, the established religion and constitution of the country;—the natural and necessary tendency of the other was to destroy both the church and the throne, by the annihilation of all those means of preservation, by which alone they could be maintained. It is difficult, then, to imagine how any sincere friend to the British revolution could really admire, or approve, the revolution of France.

The resolution of this club, however, was transmitted to the National Assembly, who, having frequently descended to answer the remonstrances of fishwomen and insurgents, did not deem it beneath their dignity to direct their

president to make a suitable acknowledgment for the honour conferred on them. It is remarkable, that this task fell to the lot of the Archbishop of Aix, (who happened then to be president,) the very prelate, who had so strongly combated all the leading measures of the revolution, and had, on different occasions, given the most decided advice to the King, to resist the illegal and unconstitutional encroachments of the National Assembly! — He extricated himself, however, from the difficulty, with tolerable skill and ability.

While public opinion took this direction, Mr. Pitt, and his political associates, remained perfectly quiescent, and contented themselves with a renewal of their assurances of continued amity with France, without expressing either approbation or disapprobation of the measures of internal policy, which the government, or rather the National Assembly, had thought proper to adopt.

Such was the state of things, when Parliament met, on the 21st of January. The King's Speech contained nothing remarkable; and the address passed in both Houses, without opposition, and with little debate.—But, when the army estimates were laid before the House, a discussion arose, which, though not important, from the immediate subject of it,

became highly so from the extraneous topics introduced into it, and more particularly from the opportunity which it afforded, or, rather, which it was made to afford, to the leading members of the opposition to explain their sentiments respecting the French revolution. Mr. Fox objected to the estimates, because they were not yet reduced to the standard of a peace establishment, although eight years of peace had elapsed, and although the King had, in his speech, given the most solemn assurances of the pacific disposition of all the foreign powers. Adverting to the state of France, he observed, that the conduct of the French soldiers, during the late commotions, tended greatly to remove one of the objections which he had always entertained against standing armies. That army, by refusing to obey the dictates of the court, *had set a glorious example to all the military of Europe*, and had shewn, that men, by becoming soldiers, did not cease to be *citizens*.

Mr. Fox, in this instance, condescended to echo the sentiments of Mirabeau, of Robespierre, and of the other members of the National Assembly, who had excited, or encouraged, the acts of treason and rebellion, committed at Paris. That the French guards, who were here particularly alluded to, were guilty of

perjury and treason, by refusing to obey the commands of their officers, by joining the insurgents, and *by firing on his Majesty's troops*, without provocation, no man, in his senses, can pretend to deny. Is it not evident, therefore, that the natural tendency (for Mr. Fox could not be suspected of harbouring any such *intention*,) of holding up the conduct of these men as "*a glorious example to all the military of Europe*," including, of course, the *British army*, was to encourage a similar spirit of disobedience, and disaffection, in the troops of other countries? and, if that spirit were once roused, there would be an end to all regular government, and the same anarchy, or military despotism, which has been witnessed in France, would become universal, to the utter destruction of every vestige of civil liberty.

Colonel Phipps disclaimed for himself, and for the profession to which he belonged, all approbation of the proceedings of the French army; and, most pertinently, reminded Mr. Fox, that the conduct of our own army, during the riots of 1780, would have afforded him a much more unexceptionable ground of panegyric. In describing what the British troops did *not do*, he shewed what the French troops *had done*. Mr. Fox, he said, would there have found the soldiery of this nation *not* join-

ing those who were riotously disturbing the public peace, and scattering ruin among individuals; *not* the first, in violation of their oaths, and of their allegiance, to head anarchy and rebellion; but men really feeling as citizens and soldiers, patiently submitting to the insults of the populace, and, in spite of provocation, maintaining the laws, and acting under the constituted authorities of the realm.

Mr. Pitt combated Mr. Fox's argument respecting the unnecessary extent of our military, on the ground that the unsettled state of Europe, notwithstanding the pacific professions of the different powers, rendered it both imprudent and unsafe to reduce it to a lower standard. Mr. Fox took another opportunity, when the report on the estimates was brought up, to renew his expressions of applause of the French revolution, which he said was, in many respects, like the glorious event which established and secured the liberties of England; as the conduct of the French soldiers was like the conduct of the British troops, on the landing of the Prince of Orange, in 1688. Here Mr. Fox echoed the sentiments of Dr. Price, and of the revolution society; and pronounced, certainly, as gross a libel on the British revolution, as could have been uttered by the most inveterate *jacobite*.—But

he was now destined to meet, as an opponent, one whom, during the whole course of his political life, he had been able to class among his warmest friends and supporters. Mr. Burke, who had watched the progress of events in France with a truly philosophic eye, and who had appreciated the principles on which the sages of modern Gaul professed to act; and anticipated the effects of their measures with a truly philosophic mind, rose to animadvert on the sentiments which had fallen from his friend Mr. Fox, respecting the present state of France. He paid Mr. Fox some very high compliments on the superior powers of his understanding, and on the benevolent and amiable qualities of his mind; and declared, that he felt inexpressible pain at differing with him in opinion on any point. He then took a brief view of ancient France, observed that, in the last century, we were in danger of being entangled, by her example, in the net of a relentless despotism, which now no longer existed. Our present danger, from a people whose character knew no medium, was, with regard to government, a danger from anarchy,—a danger of being led, through an admiration of successful fraud and violence, to an irritation of the excesses of an irrational, unprincipled, proscribing, confiscating, plundering,

ferocious, bloody, and tyrannical, democracy. On the side of religion, the danger of their example was no longer from intolerance, but from atheism; a foul, unnatural vice; foe to all the dignity and consolation of mankind; which seemed in France, for a long time, to have been embodied into a faction, accredited, and almost avowed. Such were our present dangers from France, in the estimation of Mr. Burke, who further declared his opinion, that the very worst part of the example set, was in the late assumption of citizenship by the army, and the whole of the arrangement, or rather disarrangement, of their military.

In a manly, generous style of eloquence, and with a candour and dignity of sentiment that raised him high in the estimation of mankind, Mr. Burke avowed his anxiety to keep the distemper of France from receiving the least countenance in England, where, he was sure, some wicked persons had shewn a strong disposition to recommend an imitation of the French spirit of reform; and so strongly opposed was he to any the least tendency towards the *means* of introducing a democracy like theirs, as well as to the *end* itself, that, much as it would afflict him if such a thing could be attempted, and that any friend of his could concur in such measures, (he was far,

very far, from believing they could,) he would abandon his best friends, and join with his worst enemies, to oppose either the means or the end; and to resist all violent exertions of the spirit of innovation, so distant from all principles of true and safe reformation; a spirit well calculated to overturn states, but perfectly unfit to amend them.

He professed, and indeed had sufficiently proved, himself to be a friend to reformation, but he wisely judged, that any thing which unnecessarily tore to pieces the contexture of the State, not only prevented all real reformation, but introduced evils which would call, but, perhaps, call in vain, for new reformation. He thought the French nation very unwise, and that they valued themselves on what was a disgrace to them. They had gloried (and some people in England had thought fit to take share of that glory) in making a revolution; as if revolutions were good things in themselves. All the horrors, and all the crimes, of the anarchy which led to their revolution, which attended its progress, and which might virtually attend it in its establishment, passed for nothing with the lovers of revolutions. The French had made their way, through the destruction of their country, to a bad constitution, when they were absolutely in possession of a good

one. They were in possession of it the day the States met in separate orders; their business, had they been either virtuous or wise, or had been left to their own judgment, was to secure the stability and independence of the States, according to those orders under the monarch on the throne. It was their duty to redress grievances. Instead, however, of redressing grievances, and improving the fabric of their State, to which they were called by their King, and sent by their, country, they were made to take a very different course. They first destroyed all the balances and counterpoises which served to fix the State, and to give it a steady direction; and which furnished some correctives to any violent spirit which might prevail in any of the orders. These balances existed in their oldest constitution, and in the constitution of this country, and in the constitution of all the countries in Europe. These they rashly destroyed, and then they melted down the whole into one incongruous, ill-connected, mass.

When they had done this, they instantly, with the most atrocious perfidy, and breach of all faith among men, laid the axe to the root of all property, and, consequently, of all national prosperity, by the principles they established, and the example they set, in confiscating all the

possessions of the church. They made and recorded a sort of *institute* and *digest* of anarchy, called the rights of man, in such a pedantic abuse of elementary principles as would have disgraced boys at school; but this declaration of rights was worse than trifling and pedantic in them, as, by their name and authority, they systematically destroyed every hold of authority by opinion, religious or civil, on the minds of the people. By this mad declaration they subverted the State; and brought on such calamities as no country, without a long war, has ever been known to suffer, and which might, in the end, produce such a war, and, perhaps, many such. With them the question was not between despotism and liberty. The sacrifice they made of the peace and power of their country was not made on the altar of Freedom; freedom, and a better security for freedom than that which they had taken, they might have had without any sacrifice at all. They brought themselves to all the calamities which they suffered; not that through them they might obtain a British constitution; they plunged themselves headlong into those calamities to prevent themselves from settling into that constitution, or into any thing resembling it. If they should perfectly succeed in what they proposed, and establish a democracy, or a

mob of democracies, in a country circumstanced like France, they would establish a very bad government,—a very bad species of tyranny.

Adverting more immediately to Mr. Fox's panegyric on the French army, Mr. Burke stated it to be an army for every purpose but that of defence.—That, if the question was, whether soldiers were to forget they were citizens, as an abstract proposition, there could be no difference about it; though, as it was usual when abstract principles were to be applied, much was to be thought of the manner of uniting the character of citizen and soldier. But, as applied to the events which had happened in France, where the abstract principle was cloathed with its circumstances, what was done there furnished no matter of exultation, either in the act or in the example. These soldiers were not citizens; but base, hireling mutineers, and mercenary, sordid deserters, wholly destitute of any honourable principle. Their conduct was one of the fruits of that anarchic spirit from the evils of which a democracy itself was to be resorted to, by those who were the least disposed to that form of government, as a sort of refuge. It was not an army in corps, and with discipline, and embodied under the respectable patriot citizens of the State, in resisting tyranny. Nothing like it. It was the case of common

soldiers, deserting from their officers, to join a furious, licentious populace. It was a desertion to a cause, the real object of which was to level all those institutions, and to break all those connections, natural and civil, that regulate and hold together the community by a chain of subordination; to raise soldiers against their officers; servants against their masters; tradesmen against their customers; artificers against their employers; tenants against their landlords; curates against their bishops; and children against their parents. This cause of theirs was not an enemy to servitude, but to society.

Mr. Burke wished the House to consider, how the members would like to have their mansions pulled down and pillaged, their persons abused, insulted, and destroyed; their title-deeds brought out and burned before their faces, and themselves, and their families, driven to seek refuge in every nation throughout Europe, for no other reason than this; that, without any fault of theirs, they were born gentlemen, and men of property, and were suspected of a desire to preserve their consideration and their estates. The desertion in France was to aid an abominable sedition, the very professed principle of which was an implacable hostility to nobility and gentry, and whose savage war-whoop

was "*à l'Aristocrat,*" by which senseless, bloody, cry, they animated one another to rapine and murder; whilst, abetted by ambitious men of another class, they were crushing every thing respectable and virtuous in their nation, and, as far as they could, disgracing every name by which we formerly knew there was such a country in the world as France.

Having pursued this strain of animated eloquence, and of just (not *exaggerated*) description, for some time; giving a true definition and character of the nature of armies in general, and of the armed force, of various sorts, in France in particular, this able orator proceeded to express his concern, that this strange thing, called a revolution in France, should be compared with the glorious event, commonly called the revolution in England. At that period, the Prince of Orange, a Prince of the Blood Royal in England, was called in by the flower of the English aristocracy, to defend its antient constitution, and not to level all distinctions. To this Prince, so invited, the aristocratic leaders, who commanded the troops, went over with their respective corps, in bodies, to the deliverers of their country. Aristocratic leaders brought up the corps of citizens, who newly enlisted in this cause. Military obedience changed its object; but military discipline was

not, for a moment, interrupted in its principle. The troops were ready for war, but indisposed to mutiny. Nor was the conduct of the English armies more different than that of the whole English nation. In truth, the circumstances of our revolution, (as it is called) and that of France, were just the reverse of each other in almost every particular, and in the whole spirit of the transaction. With us, it was the case of a legal Monarch attempting to introduce arbitrary power;—in France it was an arbitrary Monarch, beginning, from whatever cause, to limit his power within the confines of the law. The one was to be resisted, the other was to be managed and directed; but in neither case was the order of the State to be changed, lest government might be ruined, which ought only to be corrected and legalized. With us we got rid of the man, and preserved the constituent parts of the State; there they got rid of the constituent parts of the State, and kept the man. What we did was in truth and substance, and in a constitutional light, a revolution, not made, but prevented. We took solid securities; we settled doubtful questions; we corrected anomalies in our law. In the stable, fundamental parts of our constitution, we made no revolution; no, nor any alteration at all. We did not impair the monarchy. Perhaps it might be shewn that we strengthened it very

considerably. The nation kept the same ranks, the same orders, the same privileges, the same subordinations, the same order in the law, in the revenue, and in the magistracy; the same Lords, the same Commons, the same Corporations, the same Electors.—The church was not impaired. Her estates, her majesty, her splendour, her orders and gradations, continued the same. She was preserved in her full efficiency, and cleared only of a certain intolerance, which was her weakness and disgrace. The church and the state were the same after the revolution that they were before, but better secured in every part.

Was little done because a revolution was not made in the constitution? No! Every thing was done, because we commenced with reparation, not with ruin. Accordingly the state flourished. Instead of lying as dead, in a sort of trance, or exposed, as some others, in an epileptic fit, to the pity or derision of the world, for her wild, ridiculous, convulsive movements, impotent to every purpose but that of dashing out her brains against the pavement, Great Britain rose above the standard, even of her former self. An æra, of a more improved domestic prosperity, then commenced, and still continued, not only unimpaired, but growing under the wasting hand of time. All the ener-

gies of the country were awakened. England never presented a firmer countenance, or a more vigorous arm, to all her enemies, and to all her rivals. Europe, under her, respired and revived; every where she appeared as the protector, assertor, or avenger of liberty.—The States of Europe lay happy under the shade of a great and free monarchy, which knew how to be great without endangering its own peace at home, or the internal or external peace of any of its neighbours.*

Mr. Burke's speech rivetted the attention of the House, and called up Mr. Fox in explanation, who repeated his approbation of the conduct of the French troops, and his exultation at the overthrow of the French government; but expressed his concern at the acts of violence which had occurred, and declared himself an enemy equally to absolute monarchy, absolute aristocracy, and absolute democracy, and friendly to none but a mixed government like our own, to which, it should be observed, the new government of France bore not the smallest similitude. He differed essentially from Mr. Burke in his opinion of the British revolution,

* See Mr. Burke's speech on the army estimates, at the beginning of the third volume of the quarto edition of his works.

in which he maintained great innovations had taken place; and he contended, that it was a case more parallel to the revolution in France than Mr. Burke was willing to admit. Mr. Sheridan expressed his sentiments with less scruple and reserve, in opposition to Mr. Burke; he conceived the French revolution to be as just as our own, proceeding upon as sound a principle, and a greater provocation;—and he defended with vehemence the general views and conduct of the National Assembly! He charged Mr. Burke with having spoken with *an unwarrantable freedom of speech* of that assembly—*(risum teneatis, amici?)* with being an advocate for despotism;—and with having libelled those illustrious characters, Mr. Bailly and M. de la Fayette. Mr. Sheridan must either have been profoundly ignorant of the conduct of these patriots, or he must have adopted the new doctrine of libels—*the greater the truth the greater the libel*; for it cannot be supposed that any man, who really admired the characters of those who brought about the revolution of 1688, could sincerely approve the conduct of those French patriots, or could libel the former by comparing them with the latter.

Mr. Pitt concluded the debate with becoming seriousness and dignity; and with that reserve, on the discussions relating to France,

which was highly proper to be observed by a minister on such a subject at such a time.—He expressed, however, his gratitude to Mr. Burke, in the strongest terms, for the able manner in which he had unfolded the principles, and described the blessings, of the British constitution.

Encouraged by the small majority which had rejected Mr. Beaufoy's motion, for the repeal of the Corporation and Test Acts, and not less so by the favourable opinion, which too generally prevailed, of the principles of the French revolution, which naturally engendered a spirit of innovation, and a contempt for ancient institutions, the dissenters had exerted themselves, in every possible way, to secure fresh advocates to their cause, which they now resolved to trust to the management of that able parliamentary leader, Mr. Fox. On the second of March, that gentleman brought forward the question, and enforced his arguments with all the powers of his mind, and all the force of his eloquence;—indeed, on no occasion had the discussion of this important question brought forth such a brilliant display of talent, as was exhibited on the present. Mr. Fox contended, that religious tests were justifiable only upon a supposition that men, who entertained certain speculative opinions, would be led, by those opinions, to commit actions that were in

themselves immoral and hurtful to society. Now it was unwarrantable, he maintained, to infer, *a priori*, and, contrary to the professions and declarations of the persons holding such opinions, that their opinions would induce acts injurious to the commonweal.* To presume to judge of other men's opinions, and to know the consequences of them better than themselves, was the constant practice, and was of the very essence, of persecution.—Speculative opinions were, in his mind, no disqualification for the enjoyment of civil offices;—it would be absurd to think, that the Duke of Richmond was disqualified for the place of master-general of the ordnance, or Mr. Pitt for the office of prime minister, because they were of opinion, that the present mode of representation was defective, and required amendment. And, for the same reason, he did not see why the church should be supposed to be in danger, though Dr. Priestley should be at the head of it.† The

* Before the force of this argument could be admitted, it was necessary to come to some settled definition of what was injurious to the commonweal; for it is probable, that the dissenters might think that a measure was highly conducive to its prosperity and interest, which others might consider not only as injurious, but as destructive, of both.

† There would be precisely the same reason for supposing the church to be in danger, if *Dr. Priestley* were at the head of it, that there would be to suppose the Parliament-House to be in danger, if *Guy Faux* were in the vaults beneath it.

object of the Test Laws, at first, had been to exclude anti-monarchial men from civil offices; but he reprobated such a procedure, as holding out false pretenses, as leading to hypocrisy, and as imposing a restraint upon the good and conscientious only. Mr. Fox thought a direct monarchial test would be fairer and better; he treated the opinion, that the church might be endangered by a repeal of the acts, as worthy of ridicule. The only danger which the church had to apprehend, proceeded from the supine indolence of the clergy, and the superior activity and zeal of dissenters in the discharge of the duties of their sacred functions. Having thus complimented the dissenters at the expense of the clergy, he entered into an historical defence of them, and maintained that their political opinions were less inimical to the British constitution than those of the high churchmen.* The act of the 13th of Charles II. "for the well-governing and regulating corporations, &c." and the act of the 25th of Charles. II. "for preventing dangers which may arise from popish recusants, &c." having been read, Mr. Fox

*. Had Mr. Fox forgotten that, without the aid of the *high-churchmen*, the revolution of 1688 would never have taken place, and the Prince of Orange would never have been King of England?

moved,—"that the House should resolve itself into a committee to consider of so much of the said acts as required persons, before they were admitted to any office, civil or military, or any place of trust under the Crown, to receive the sacrament of the Lord's Supper, according to the rites of the church of England."

The motion having been seconded by Sir Henry Hoghton, Mr. Pitt rose to oppose it. He had stated his objections to the measure on former occasions, and these objections having acquired fresh strength from reflection, he should now re-state them with greater force and confidence.—He expressed his obligation to Mr. Fox for his clear and candid statement of the precise object of the dissenters, in their present application to Parliament; he had completely unravelled the mystery in which their views had been enveloped; and, in a plain, open, and manly, manner, had exhibited the full extent of his motion. The important question at issue now, was simply and plainly this:—whether the House ought, or ought not, to relinquish, at once, those acts which had been adopted by the wisdom of our ancestors, to serve as a bulwark to the church, the constitution of which was so intimately connected with that of the state, that the safety of the one was always liable to be affected by any danger which might threaten the other?

He, for one, was clearly and decidedly of opinion, that we ought not to relinquish those great and fundamental principles upon which the prosperity of the state so much depended.

Mr. Pitt declared his concurrence with Mr. Fox, respecting the general principles of dissention and toleration; but he differed from him in his definition of the latter, which he had carried to an extent which, in his opinion, it would not bear. Toleration and equality were different things; toleration only consisted in a free exercise of religious worship, and in the enjoyment of the protection of the laws.—The dissenters had a right to enjoy their liberty, and their property; to entertain their own speculative opinions, and to educate their offspring in their own religious principles. But the indispensable necessity of a certain permanent church establishment, for the good of the state, required that toleration should not be extended to an equality; for then the establishment would be evidently endangered. Upon the supposition that every class of dissenters, agreeably to the extent of Mr. Fox's principles, were admitted to a full and complete equality of participation, those would be admitted who might conscientiously think it their duty to subvert the establishment, for not only Roman Catholics, but also papists, who acknowledge the supremacy

of a foreign ecclesiastical prince, were not to be excluded until the commission of some overt-act against the constitution. If this were once to be done, there would be an end, for ever, put to the wise policy of prevention; and a dangerous door would be opened to the absolute ruin of the constitution. He was ready to admit, that no citizen of a free state ought to be subject to any punishment for his speculative opinions; nor should even the publication of them, with moderation and decency, fall under the cognizance of the civil power; but he contended, that the interest of individuals claiming pecuniary rewards, or lucrative employments, was very different from this, and that the public safety required such a species of security, for an establishment, as the test-laws prescribed.—Our very constitution had been saved by virtue of their sanction;—had it not been for such bulwarks of defence, the family of Stuart might have been then in possession of the Throne, and Mr. Fox have never had the opportunity of delivering those opinions in that House which they had that day heard. Although all cognizance of opinion might not be a warrantable ground of crimination, until the commission of some overt-act, yet he should ever contend, that an enquiry into, and a test of, a man's opinion,

as the means of judging of his religious and constitutional principles, was highly expedient.

It had been represented, as an extreme absurdity, that a test of religious tenets should be exacted from persons about to hold the meanest civil offices, when there was no inquiry made into the religious opinions of members of Parliament.—The fact was otherwise: in the oath of abjuration, a religious test was imposed on the constitutional tenets of the legislative body. The oath against transubstantiation was purely religious, and the oath of allegiance was a civil and political test of loyalty and civil obedience. But to have no test of any kind was contrary to the genius and spirit of monarchy; much more, then, must the obligation of test-laws be necessary to a government like ours, where the monarchy is limited. Mr. Pitt insisted on the necessity of allowing, to the executive power, the exercise of a right of discrimination as to the fitness of individuals to occupy stations of trust, for which that branch of the government was always responsible. The general benefit of the community required the establishment of public offices; and, as a distinction in their distribution was always conducive to the same important service, the idea of right to civil offices was highly absurd and ridiculous. There could be no foundation for

such extraordinary claim, unless it were agreed that the offices in question were created more for the advantage of those who occupied them, than as a trust for the benefit of the public; and that their expenses were to be provided for on the principle of a lottery, rather than out of the public treasury. While our constitution, however, had invested the executive power with the appointment of offices, the legislature had made a wise application of a limited monarchy, by restricting the supreme magistrate in the disposal of these offices.

Mr. Pitt now entered upon another branch of his argument, in which he placed the principle of the test-laws in a new point of view, for the purpose of shewing that, so far from their trenching on the liberty of the subject, as Mr. Fox and other advocates for their abolition had constantly insisted, they were framed for the express purpose of guarding that liberty against all danger,—from misconduct on the part of the Crown;—that their object was not the infliction of privations on individuals, but the imposition of restraints on the King; and that, without the existence of these laws, the revolution of 1688 would, in all probability, have never taken place, notwithstanding the boasted efforts of the protestant dissenters to produce it. In illustrating this position, Mr. Pitt put the case

of a pure democratical state, in which the officers of state were elective out of the general body, and in which the most complete equality existed.—He then supposed, that some form of religion, or superstitious ceremony, to be entertained and professed by a small part of the community, which might have a tendency to destroy the democratic equality, and, consequently, the constitution itself; and asked whether the majority, in such a state, would not be warranted in the exclusion of such an obnoxious party from the right either of electing, or of being elected, to fill offices of trust in the government?* It should, then, be recol-

* The real case was still stronger than the supposed case, here put by Mr. Pitt; for the dissenters from the established religion, in this country, had once destroyed the constitution, and murdered the King.---Where the deductions of experience thus confirm the inferences of theory, the argument becomes irresistible. In reference to this subject, a modern writer makes the following judicious remarks: "When there are several religions professed in a state, an alliance is made with one of them---with *that* which it is considered will best promote the public good; and full toleration is given to the rest, but under the restriction of a test-law, to keep them from injuring that which is established. This is necessary, because, among diversities of religion, where every one thinks his own the most pure, every one aims at rising on the ruin of the rest; which is called, bringing into conformity with itself. The manner of doing this is, to endeavour to get into the public administration, in order to apply the civil power to effect it,---

lected, that the test-laws, under discussion, were enacted with a direct view to the defence and preservation of our excellent constitution. They were to be regarded as a species of jealousy of the Monarch, which had never been considered as unconstitutional.—They had a direct tendency to check the influence of the Royal Prerogative, which was a circumstance never very unpopular in a free state; and he did not hesitate to say, that, if any distrust were to be entertained of either of the three branches of the constitution, the executive power ought to be its object.* The test-laws, by abridging

This was the conduct of the early puritans, about the end of Queen Elizabeth's reign, who attempted to make their discipline national, in spite of the civil magistrate:. if one single sect cannot overturn the established religion, others will join in confederacy against it.---In this danger, the church naturally calls upon the state to make laws for her security; whereby the entrance into the administration and situations of influence and power are shut to all, but members of the established church;---*and it should never be forgotten, that, for want of such laws, the sectaries, in the time of Charles I. subverted the Church and Constitution of England*; but as soon as the government was restored, and placed upon its old foundations, the legislature made test-laws, to prevent a repetition of similar calamities."---*Remarks on the alliance between Church and State, and on the Test-Laws, by the Rev. Richard King, M. A.*

* Apprehension of danger, where no charge of misconduct exists, is the only legitimate ground of distrust.---The

the prerogatives of the Crown, in preventing the Sovereign from employing persons in offices of trust, who could not give a certain pledge, or security, of their attachment to the government, guarded against all danger and abuse from this branch of the legislature. The persons excluded by the test-laws from civil offices lay under no kind of stigma, in his opinion, more than those who were necessarily kept out of that House, or from voting at an election, in consequence of their disqualification by statute, from the exercise of elective rights. It was a common policy which obtained in private life, for no man to admit another to the management of his affairs, whose principles he did not approve,—and the same policy should prevail in states.—The exclusion of the dis-

justice of Mr. Pitt's principle, therefore, can only be ascertained by its application.---History informs us, that at one time the Crown, at another, the House of Commons, has endangered the constitution; and, therefore, it is the conduct alone of either one or the other that must excite, or can justify, distrust. Montesquieu, in his speculative book upon laws, has somewhere observed, that the constitution of Great Britain will not be destroyed until the legislative power (meaning the Parliament) shall become more corrupt than the executive.--- Whatever sagacity may be descried in the observation, it appears certain that, in these times, more danger is to be apprehended from the corruption of the one, than from the tyranny of the other.

senters, therefore, from civil offices, from a disapprobation of their political sentiments, could be no usurpation in the government.

Mr. Pitt disclaimed the idea of deciding a public question of such importance as this, by the merits or demerits of individuals.—Yet the conduct of the dissenters appeared to him liable to just reprehension; for, at the very time when they were employed in the reprobation of the test, when they were loud in their complaints, and were appealing to the legislature for redress of their grievances, they discovered intentions of forming associations throughout the country, for the sole purpose of imposing a test on the members of that House, of whose fitness and competency to discharge their parliamentary duty they were to judge from their votes upon this single question.—Notwithstanding the eloquent dissertation of Mr. Fox, on the excellence of toleration, Mr. Pitt was by no means certain that the description of men, whose cause he had so ably pleaded, would be eminently distinguished for their candour, moderation, and tolerance, should they succeed in their application.—And their recent conduct, in the imposition of a Parliamentary test, afforded fair grounds for belief, that little display of those qualities was to be expected from them.

In concluding that part of his argument which related to the question of *right*, Mr. Pitt observed, that he had no idea of such levelling principles as those which warranted to all citizens an equality of rights; as if the whole property, under the control of government, were to be distributed, in equal proportions, among the public again. The appointment to offices rested with government, which no citizen could claim as a right, the dissenters ought not, therefore, to consider themselves, by the operation of the test-laws, as debarred from any right to fill official situations under government, nor ought their exclusion to be regarded as any stigma upon them, since the government, in concurrence with the majority, are of opinion that none ought to be admitted to civil employments, except members of the establishment. To ascertain this important circumstance, without exacting either promise or obligation from any individual of the community, the test-laws were enforced.

Mr. Pitt next proceeded to try the merits of the question, on the ground of policy and expedience; — and here he considered the necessity of an established church, and the danger to which it would be exposed by the repeal of the test-laws.—Without intending to cast any reproach upon the dissenters, who

were, undoubtedly, a respectable body, he supposed it extremely probable that they might exercise their power, when obtained, to the subversion of the present establishment. Their conduct would not be reprehensible for acting upon the principles which they professed; for it became their duty, as honest men, regarding, as they did, the established church, as "sinful and bordering on idolatry," to act a conscientious and consistent part, by exercising every legal means in their power for its subversion. To grant these parties such power, by a repeal of the Test-Laws, as would endanger the establishment, was highly impolitic. Such a national establishment of religion as ours was capable of rendering essential service to the state, it was, therefore, entitled to the vigilant protection and support of the state in return. A national religion was calculated to meliorate the morals of the people, especially when its form was congenial with the civil constitution of the country.

The essence of policy consists in the general good of the public,* where the rights

* Not only all sound policy, but true *religion*, on which, indeed, all policy ought to be founded, is intended to promote the general good of the public. One of the most venerable defenders of Christianity, (Chrysostom) describes this to be its

and interests of individuals, therefore, come in competition with those of the public, policy claims a precedence, even of justice. Admitting the dissenters to endure some practical inconvenience from the Test-Laws; yet, if the general good, and the public safety, demanded such sacrifices, as Mr. Pitt maintained they did, their appeal to the legislature for redress, in the nature of justice, ought to be rejected.—But it had been contended, that no danger whatever could possibly arise to the Constitution, either in Church or State, from a simple repeal of the Test-Laws, and that the dissenters would rest satisfied, and would trouble the legislature for no farther indulgence, provided the prayer of their present petition were granted. Mr. Pitt assured the dissenters, that he would never refuse them any right which belonged to them, nor withhold from them any regulation, which did not seem attended with any dangerous consequences; but as the object of their application did, in his opinion, warrant a sufficient ground for apprehension and alarm, it was the duty of the House, as the faithful guardians of the constitution, to

leading object:—" *Hæc est Christianismi regula, hæc illius exacta definitio, hic vertex supra omnia eminens,* PUBLICÆ UTILITATI DEDICATIO."

watch and repel the danger in due time. The dissenters had, as the House would recollect, succeeded in their application about fourteen years before, and obtained what had been considered as a completion of their toleration.— It was then declared, by their advocates in the House, and by their friends out of it, that the dissenters intended to proceed no further, if they only obtained the relief which they then solicited; and Dr. Kippis, a man of no inconsiderable rank and esteem among them, in his letter upon the subject, declared that, after obtaining the toleration in question, they would ask no more of the legislature, but would retire, grateful and content, to their books and closets, impressed with a becoming sense of the great indulgence with which they had been favoured. He could not, then, trust to their assurances, that they would now be satisfied, if they gained their point, and would proceed no further, for they had violated their promise; and, from their professions, there was no means of judging with what they would be satisfied. If the House should, in compliance with their wishes, consent to the repeal of the Test-Laws, who could tell but their next application would be for an exemption from church-dues — to which every argument advanced in support of the present question would equally apply. Now,

an established religion had been admitted as necessary, useful, and advantageous to the civil government of a state; such an establishment ought, therefore, to be protected and supported by the government; and its expense should fall equally on all the members of the general community, in a certain proportion. For these reasons, he concluded that a repeal of the Test-Laws could not take place, consistently with the safety of the church, the security for which had not commenced at the revolution, as Mr. Fox had stated, but had been in existence long anterior to that date; and had there not existed such bulwarks of defence, previous to the revolution, that memorable event itself had never taken place.

Mr. Pitt lastly considered the example of Ireland, Scotland, France, before the revocation of the edict of Nantz, and America, which had been cited by Mr. Fox, in support of his arguments; and proved that the situation of those countries was very different from that of England, and that any arguments, therefore, to be derived from their conduct, were not applicable to the present question. The Test-Laws had been declared inefficacious and nugatory, as the legislature had been obliged to pass, every session, an act of indemnity. If the fact were so, what became of the ground of com-

plaint on the score of oppression?—For, from Mr. Fox's own admission, it was obvious that the laws were not enforced. Although the temperate forbearance of the government, displayed in the non-execution of the laws, was truly laudable, when the danger was neither imminent nor alarming to the church, the security and permanent safety of which was their object; yet, to repeal the laws in question, because their execution was not always necessary, would be impolitic in the extreme; as the legislature, in thus suffering the remedy for such danger to depart from their hands, might not be able, very easily, to recover such salutary influence as might suffice to stem the torrent of danger in the hour of emergency. So far was he from agreeing with Mr. Fox, that no danger whatever was to be apprehended, that he could easily conceive a man, with all his abilities, but without his integrity of principle, who, influenced by ambition and corrupt views, might exercise his powerful talents in rousing the disaffected to an attack upon the church. Would there not, he asked, in that case, be real danger?—There certainly would. To guard against danger to the constitution, however distant, was the indispensable duty of every member of that House, but of none more than of a person in the situation which

he had the honour to hold, with whom the safety of his country ought ever to be his principal object.

Mr. Burke concurred, both with Mr. Fox and Mr. Pitt, in their general notions of toleration, and further declared, that, had the repeal of the Test-Laws been moved ten years before, he should probably have voted for the motion; but he had the strongest reasons for believing that many of the persons, who now stood forward in the application for relief, were men of factious and dangerous principles, actuated by no motives of religion or conscience to which toleration could, in any rational sense, be applied. He then remarked upon the danger and absurdity of a recurrence to abstract original rights in determining civil regulations, upon their incompatibility with each other, and upon the advantage which men derived, in exchange for the rights of nature, from the establishments of civil society, and of its necessary concomitant, religion. Admitting, with Mr. Fox, that men should not be judged merely by their speculative opinions,* but, by

" * If it be said, that men would content themselves, as in reason they should, with enjoying their own opinions, without obtruding them upon others, those evils, which require the remedy of Test-Laws, would never happen.—This is per-

their opinions and conduct taken together, he should, by this last criterion, judge how far the petitioners were entitled to the indulgence which they solicited; he should judge by their acts, their declarations, and their avowed intentions. He then proceeded to read to the House several publications, and other papers, of the dissenters, in order to prove the truth of his assertions. Amongst these was a catechism, expressly adopted by some of the dissenters, and not condemned by any, which, instead of inculcating the doctrines and duties of revealed religion, was filled with the most impudent attacks on the national establishments, and with the most outrageous invectives upon Kings and Bishops. Another document which he produced, was a letter from a Mr. Fletcher, a dissenter, written from a meeting of dissenting ministers, holden at Bolton, in Lancashire. Here Mr. Fletcher stated, that such violent principles were broached at this

fectly true; and *if* men would but observe the rule of right in general, there would be no need to have recourse to civil society, to rectify the abuse of it; and *if* all mankind were good christians, there would be no need of any laws, for then there would be no crimes. But we must not be deluded by the idle dreams of folly or enthusiasm; we must take man as we find him, and as he has been for near 6000 years."

King on the Test-Laws

meeting, that he would not stay, but left it in company with some other moderate men. It affirmed, that one member, having been asked what the object of the meeting was, and whether it was intended to seek for any thing beyond the repeal of the Test and Corporation Acts, answered, in the language of our Saviour, —" We know those things which ye are not yet able to bear." — And, on another member saying, " Give them a little light into what we intend," they informed him, that they did not care the nip of a straw for the repeal of the Test and Corporation Acts; but that they designed to try *for the abolition of the Tythes, and of the Liturgy.* Mr. Burke afterwards read several extracts from the well-known works of Doctors Price and Priestley, expressive of their hostility to all establishments;* of their persuasion that those of religion were sinful and idolatrous, and of their determination to proceed, step by step, till they were demolished.

It is well calculated to excite astonish-

* It was this description of men which Lord Bolingbroke had in his eye, when he truly observed,—" Some men there are, *the pests of society I think them,* who pretend a regard to religion, in general, but who take every opportunity to declaim, publicly, against that system of religion which is established in England."——*Dissertation on Parties.*

ment, that, after this clear and full developement of the views and designs of the dissenters, *one hundred and five members* of the House of Commons should have voted for supplying them with the power of carrying their plans into effect.—*Two hundred and ninety-four* members, however, had the good sense to oppose their machinations, and to silence their claims.

Soon after the decision of this important question, another was submitted to the House, by Mr. Flood, the Irish orator, the object of which was to produce a change in the system of representation. — The principle which Mr. Flood laid down, as the ground of his argument, was this; that as the whole nation were bound to abide by the decisions of the majority, the representatives of the nation should be chosen by a majority of the people;—and that if this were not the case, the people were not represented at all.—The proposition was novel, but not very intelligible; nor was it rendered more so by the arguments which Mr. Flood employed to illustrate it. The remedy which he suggested, for the alleged evil, was the addition of one hundred members to the House of Commons, to be chosen by the resident householders in every county.

The motion, for leave to bring in a bill for carrying this notable plan into effect, was

opposed by Mr. Windham, who contended that, before Mr. Flood undertook to provide a remedy, he ought to have proved the existence of the evil. He had demonstrated, indeed, by an arithmetical calculation, that the representation was unequal, which nobody denied; but he had failed to substantiate his assertion, that it was inadequate. He seemed to have confounded the end with the means. Experience had shewn, that the representation was not inadequate, but that the House of Commons, constituted as it was, answered all the beneficial purposes that could possibly be desired. This was a case in which we might lose every thing, and could gain nothing. The liberty of the country stood in no need of speculative security, — it could not be better secured than it was.

After exposing the absurdity of attempting to prove the necessity of a Parliamentary Reform, from the support which the Parliament had given to the American war, which Mr. Windham truly described as the war of the people, he stated his objections to the principle of the proposition to be not more strong than those which he entertained to the time at which it was brought forward. Would Mr. Flood, he asked, advise them to repair their house in the hurricane season? Speculatists and visiona-

ries enough were at work in a neighbouring country; there was project against project, and theory against theory: *frontibus adversis pugnantia:* he intreated the House to wait a little for the event, and in the mean time to guard, with all possible care, against catching the infection.

Mr. Pitt complimented Mr. Windham on the ingenuity and wisdom he had displayed, which left him only to observe, that the proposition which he had himself brought forward, some years before, had been successfully opposed, although the times were then much more favourable than they were now. The chief objection then urged, was the danger of innovation, and it was a knowledge of the impression which that argument had made, that had rendered him desirous of waiting till some more favourable moment than the present should offer itself, when he certainly meant again to submit his ideas on the subject to the House.—If pressed to a vote on the question, he must give his negative to the proposed plan; and, even if it were his own proposition, he should act in the same manner, feeling that the case of reform might suffer disgrace, and lose ground, from being brought forward at an improper moment. Mr. Flood's motion was supported by Mr. Fox, who denied the assertion of Mr.

Windham respecting the American war, and was further opposed by Mr. Burke, who defended and confirmed Mr. Windham's representation. Mr. Flood, finding the sense of the House decidedly against him, withdrew his motion.

During the remainder of this session little occurred, but subjects of revenue, to fix the attention of Parliament. Mr. Sheridan, who appears to have selected topics of this nature for the periodical display of his oratorical talents, now stood forth the champion of the manufacturers of tobacco, with a view to obtain a repeal of the law passed the year before, for subjecting that article to the operation of the excise. His arguments, however, were directed against the whole system of excise laws,—against which he inveighed with all the poignancy of wit, and with all the strength of eloquence, omitting none of the arguments usually employed on the subject.—He dwelt much upon the grievances which were set forth in the numerous petitions of the manufacturers, which laid on the table of the House, asserted that, notwithstanding the new regulations, aided by an additional duty, only £25,000 more had been produced to the revenue, than had been previously collected by the tax on tobacco, and concluded by moving,

"That the survey of the excise is inapplicable to the manufactory of tobacco."

Mr. Pitt observed, that the system against which all the arguments of Mr. Sheridan had been directed, was one from which the nation derived no less a portion of the annual revenue than six millions and a half; and he expressed his belief that, without such a system, neither the resources of the country, nor the ingenuity of man, would be competent to raise so considerable a sum. But though the arguments of Mr. Sheridan extended to the general system, his motion was confined to the excise on tobacco. He was willing to leave the manufacturer of malt, the manufacturer of soap, the manufacturer of starch, the manufacturer of candles, and the dealers in wine and spirituous liquors, subject to all that intolerable tyranny and oppression which he had described with so much energy, and with so much eloquence. If the Tobacco Act were to be discussed on general principles, Mr. Pitt did not see how the objections to it, on constitutional grounds, could apply to it more than to any other excise bill, passed at any former period; and, therefore, as Mr. Sheridan had stopped short, and confined his motion to a single object, his general argument was inconsistent and contradictory. He then cautioned the House against receiving,

with implicit credit, the evidence taken at the bar, from persons materially interested in leading them astray. Mr. Sheridan had himself stated that, before the late act, the manufacturers were the only channel of conveyance, for the illicit tobacco, from the smuggler to the consumer, taking this, then, for granted, and coupling it with the admission of the tobacconists themselves, that eight millions of pounds were annually smuggled, the inevitable consequence was, that, for years, they had divided among them £400,000, of which sum the revenue had been defrauded;—and, if an average could be taken, it would appear that the annual plunder, received by each individual, exceeded one thousand pounds. The House being in possession of this notorious and direct fraud, it could not be too much to ask them to weigh well the evidence before they determined against the remedy already provided for the evil. During the existence of the act the consumption had very considerably increased, which was a conclusive answer to, and a complete refutation of, the assertion, that the act was likely to drive the manufacturer from the country. The public had already, in the two last productive quarters of the year, received £130,000, over and above the wonted amount of revenue from tobacco, in the same quarters, before the act passed; and, in

all probability, the difference on the next two quarters of excise would make the whole amount of the difference £300,000, at the least. A debate of some length ensued, in which the prejudice against the system of excise appeared to have considerable influence, for, on a division, the motion, which was altered from its original purport, and was now made for leave to bring in a bill for the repeal of the Tobacco Act, was rejected only by a majority of *forty-four*, one hundred and forty-seven having voted for it, and one hundred and ninety-one against it. An act was afterwards brought in, and passed, for amending the former act, of the preceding year, for the purpose of relieving the manufacturers of tobacco from some of the hardships which it imposed upon them.

On the fifteenth of April, Mr. Pitt opened the budget for the current year, when he drew a very flattering picture of the prosperous state of the revenue.—He stated the growing surplus of the consolidated fund, taken upon an average of the three last years, which would give an average of half a million less than the produce of the last year, to amount to £1,903,000; to which was to be added an increase on taxes, not taken into that estimate, amounting to £60,000. He took for balances of arrears, £100,000; and, for an increase on the tobacco duties, another £100,000. He was sanguine in his expectation of the pro-

duce from the arrears of assessed taxes, which in the last year amounted to £240,000 over the permanent assessment; there still remained outstanding arrears to the amount of £600,000, which were to be gradually called in; and, from the exertions made for that purpose, he conceived he might justly reckon upon £150,000 being received during the present year; all which sums, added together, presented a total of ways and means of £5,996,000, which was more than sufficient to meet the supply, and afforded fair ground to estimate the growing produce of the consolidated fund, for the ensuing year, at £2,300,000. He then proceeded to enumerate the extraordinary expenses which had been defrayed since the year 1786, (amounting in the whole to six millions) with the assistance only of one loan of a million, raised the year before. The increase of revenue to which the public were indebted for the ability to meet these various charges, he considered as permanent, and as originating in two grand causes,—the suppression of smuggling, and the increase of the commerce of the country. The exports, as valued by the custom-house entries, amounted to no less than £18,513,000; of which the British manufactured goods exported amounted to £13,494,000; — upon an average of the exports, six years prior to the American

war, when our commerce was most flourishing, the British manufactured goods exported amounted to no more than £10,342,000. The imports for the year 1789 amounted to a larger sum than was ever before known, being valued at £17,828,000.—This increase of imports, far from justifying the inference which, at first sight, might, naturally enough, be drawn from it, arose from circumstances demonstrative of the increase of the wealth and prosperity of the country; it arose from remittances of fortunes from the East and West Indies; from the increase of importations from Ireland, which was a proof of the increasing prosperity of that valuable part of the empire; from the Greenland and South Wales fisheries, the imports from which were to be considered as adding to the stock of the country, being wealth poured in from the ocean. Our navigation had increased in proportion to the increase of our commerce. In the year 1773, there belonged to the British ports 9,224 vessels, and 63,000 seamen; and in the year 1788, 11,085 vessels, and 83,000 seamen; shewing an increase of seamen, in the course of fifteen years, of no less than twenty thousand, or nearly one-third of the whole number.—In contemplating this improved state of the country, and this extension of the sources of its prosperity, Mr. Pitt

most naturally referred to the excellence of our constitution, as the grand animating cause, under Providence, of the whole;—and emphatically called upon the House to regard it as their most sacred duty to maintain it inviolate, and to defend it against all innovations.—The arguments and statements of Mr. Pitt were questioned by Mr. Sheridan, who displayed his usual acuteness, in arithmetical calculations, in order to convert a gain into a loss, and a surplus into a deficit. The burden of his song was, that there existed a plain deficiency of one million; but he failed in his efforts to render the matter as plain to the House as he stated it to be to himself; and no resolutions were passed in confirmation of his objections.

While the wise plans adopted by Mr. Pitt, for the improvement of the revenue, thus began to produce their beneficial effects, and to extend to the most remote portion of the British territory; (for the corresponding system of policy adopted in the east was now proved, by the satisfactory statements of Mr. Dundas, to have raised our dominions, in that quarter of the globe, to a state of comparative prosperity;) and while the profitable occupations of peace thus afforded the most salutary and effective remedy, for the evils of war, a cloud overcast the political horizon, appearing to indicate

an approaching storm. About the beginning of the year 1786, certain merchants, under the immediate protection of the East-India company, desirous of opening a trade with the north-west coast of America, for the purpose of supplying the Chinese markets with furs and ginseng, communicated their design to the Governor-General of India, Sir John Macpherson, who joined in the subscription for carrying it into execution, and two vessels were purchased for carrying on this trade, and entrusted to the command of Mr. Mears, who had been a lieutenant in the British Navy.—One of these vessels was lost; but the other, the Nootka, on board of which Mr. Mears had embarked, reached the place of her destination in safety; wintered in Prince William's, or Nootka Sound, carried on an extensive trade with the natives, and, having collected a valuable cargo of furs, repaired to China in the autumn of 1787.

Encouraged by the success of this first expedition, other ships were purchased by the merchants, and, in June, 1788, having returned to the place of trade, at Nootka Sound, Mr. Mears purchased, from Maguéla, a native chief, a piece of ground, on which he built a house, and on it hoisted a British flag, surrounding it with a breast-work, and fortifying it with a

three-pounder. Mr. Mears now entered into negotiations with different chiefs, by whom he was promised the advantage of an exclusive trade, with permission to erect whatever buildings he might find necessary for his convenience; and, of one of them, he purchased a tract of land, of which one of his officers took possession in the King's name. Having thus established a free intercourse with the natives, and secured, as he thought, the means of maintaining it, Mr. Mears engaged with other British merchants, increased his capital, and extended his trade. But, on the 6th of May, 1789, a Spanish ship of war, of twenty-six guns, named the Princessa, Don Martinez, commander, arrived at Nootka Sound, and, after some hypocritical indications of a friendly disposition, and exchanges of civilities between the Spaniard and the captain of one of the British trading vessels, the Iphigenia, then lying there, the former, having been joined by another ship of war, took forcible possession of the Iphigenia, and seized upon the lands purchased by the British, and a temporary habitation which they had erected there, in the name of the King of Spain, pulling down the British colours, and hoisting the Spanish colours in their place. All the British were made prisoners, and sent on board the Spanish ships, where they were

put in irons. The pretext for these acts of violence was, *that all the lands comprised between Cape Horn, and the 60th degree of North latitude, belonged to his Catholic Majesty.* Don Martinez then proceeded to build store-houses, and to erect batteries, and he compelled some of the crew of the Iphigenia to work at them, severely punishing those who attempted to resist. Three other British vessels were afterwards seized in the same violent manner; their cargoes confiscated, and their crews made prisoners. During the whole of this transaction, the conduct of Don Martinez was that of a pirate, who renders force the instrument of his avarice, in the gratification of which all the laws, and usages, of civilized nations, as well as the ties of humanity, are totally desregarded.*

The first intimation which the British Cabinet received of these transactions came from the Spanish Ambassador, who requested, at the same time, that means might be taken to prevent the subjects of his Britannic Majesty from frequenting those coasts which he alleged to have been previously occupied by the Spaniards. He also accompanied his communi-

* These particulars are taken from the memorial presented by Mr. Mears, to Mr. Secretary Grenville, in which a full detail of the transaction will be found.

cation with another complaint of the fisheries carried on by the British subjects, in the seas adjoining to the Spanish continent, as being contrary to the rights of the Spanish Crown. Not a moment was lost by his Majesty's ministers, in demanding adequate reparation for the injury committed on his subjects, and ample satisfaction for the insult offered to the nation.

The business was communicated to the House of Commons, on the 5th of May, in a message from his Majesty, delivered by Mr. Pitt, who, with the concurrence of the House, fixed the next day for taking it into consideration. He then observed, that, natural as it was to look, with concern, upon the circumstances stated in the message, and upon the possible occurrences to which they might give rise, he should not do justice to the feelings and public spirit of the House, were he, for a moment, to entertain any idea that there could exist any difference of opinion as to the measures which such circumstances would render it necessary to adopt. There could be no occasion for him to enlarge upon the facts, the bare mention of which was sufficient to ensure the concurrence of the House to the address which he proposed to move. His Majesty's subjects had been forcibly interrupted in a trade which

they had carried on, for years, without molestation, in parts of America where they had an incontrovertible right of trading, and in places to which no country could claim an exclusive right of commerce and navigation; this interruption had been made by a seizure of two ships, their cargo, and companies, without any previous notice: the officers and crews of these vessels had been carried to a Spanish port, as prisoners of war, and the cargoes of the vessels appropriated to the use of the captors, without even the form of condemnation or judicature, which had always been deemed necessary even in times of war. The statement of these facts was sufficient to induce a British House of Commons to demand ample restitution to the individuals injured, and full satisfaction to the nation for its insulted honour. One of the vessels, indeed, had been delivered up by the Viceroy of Mexico, but no satisfaction to the nation had thereby been given; on the contrary, the court of Madrid had advanced a claim to the exclusive right of navigation in those seas, which was unfounded and exorbitant; indefinite in its consequences, aiming destruction at our valuable fisheries, in the southern ocean, and tending to the annihilation of a commerce in its infancy, which we were just beginning to carry on to the profit of the country, in hitherto un-

frequented parts of the globe. It was, therefore, necessary, and incumbent upon the nation, to adopt such measures as might prevent any such disputes in future. When, in addition to this conduct, on the part of Spain, the House were also acquainted, by the message, of the vigorous preparations making in the different sea-ports of that kingdom, there could not be a doubt of the propriety of preparing to act, with vigour and effect, in support of the honour of his Majesty's crown, and of the interests of his people. At the same time, Mr. Pitt expressed his conviction that the House would heartily concur with his Majesty in the wish that the present dispute might be brought to an amicable termination, and that we might not be driven to the necessity of having recourse to measures of hostility. He then moved an address, conformable to the sentiments which he had delivered in his speech, promising his Majesty the most cordial support in the vindication of his rights, in case all efforts, to produce an amicable accommodation, should fail.

Mr. Fox having expressed a wish that the message had been more full; and that Mr. Pitt had not, a short time before, holden out the strongest assurances of a continuance of peace to the country, at a time when it was generally known

that great armaments were preparing in the ports of Spain; and, by that means, increased the disappointment and alarm which the prospect of war now produced, Mr. Pitt replied, that he was mistaken in his statement of the circumstances to which he referred. So far from knowing every thing which was now known, at the time when he had opened the budget, the very reverse of the fact was the case. Ministers knew nothing of the circumstances of the case, but what they had learned from the Spanish ambassador, whose communication was extremely vague and general, and related only to the capture of one of the vessels; and that without the particulars. Mr. Fox had said, that we then knew the whole of the Spanish claim; whereas we had no distinct knowledge of it till a period subsequent to the budget. Neither had the naval preparations of Spain been known till within a few days. If Mr. Fox had known, as he asserted, of the Spanish armaments for months, how happened it that, in the course of the present session, he had argued on the propriety of diminishing the forces of the country, and had expressly contended, that we had nothing to apprehend from the court of Spain.

The address was carried unanimously; but various papers were moved for, in order to sub-

stantiate grounds of censure against Mr. Pitt, for having holden out delusive hopes to the country. These motions, however, produced nothing but some strong debates, in which much personality was introduced. The Lords joined with the Commons, in supporting the crown against the unjust aggressions, and unprovoked violence of Spain; and the voice of the country was loud and unanimous in expressions of resentment, and in demand for satisfaction. Soon after, the House of Commons passed a vote of credit for one million, to empower the minister to execute such measures as the exigency of the case might require, and as, at all events, would enable him to negotiate in a firmer tone, and with greater advantage.

On the 11th of May, Mr. Pitt again introduced, to the House of Commons, the subject of the American claims, when he moved a further grant of £224,000 to the commissioners, and the sum of £32,000 for the indemnification of particular losses, sustained by persons, inhabitants of the United States. Some of these had suffered most severely, by a conduct which afforded them the strongest claims to the munificence of this country; and it was found, on enquiry, that they had only been restrained from making personal application for compensation, by their total inability

to obtain the means of leaving America. The sums for which Mr. Pitt moved were granted without opposition; and on a subsequent day, the 14th of May, he called the attention of the House to the singular case of the Penn family, whose losses had been estimated, by the commissioners, at half a million. The state of Pennsylvania, in gratitude for the services which the family had rendered to that country, had resolved to pay them £150,000, by instalments; but, hitherto, they had received no more than £11,000. Mr. Pitt now proposed to grant them a perpetual annuity of £4000. Some members were of opinion that this grant would be too small; it appearing, however, to the majority of the House, that it was sufficient, it was voted. While this just mark of respect was paid to persevering loyalty, a debt of gratitude was discharged by the House, originating in a similar motive, and founded on a similar principle, in the grant of an annuity of £1000 to Dr. Willis, for his unremitted and successful attention to his Majesty, during his late illness. These, and some other arrangements of the same nature being concluded, the session was terminated on the 10th of June, when his Majesty informed his Parliament, that he continued to entertain the strongest desire for the maintenance of peace, on just

and honourable grounds; but that, under the present circumstances, he felt it indispensably necessary to proceed, with expedition and vigour, in those preparations which had already received their unanimous concurrence. He then apprized them of his intention, immediately to dissolve the present Parliament, and availed himself of the opportunity for briefly describing the important effects of their labours, as displayed in the rapid increase of the manufactures, commerce, and navigation; in the additional protection and security afforded to the distant possessions of the empire, the provisions for the good government of India, the improvement of the public revenue, and the establishment of a permanent system for the gradual reduction of the national debt;—all which afforded unequivocal proofs of the resolution of Parliament, in encountering the difficulties with which they had to contend; and of their steadiness and perseverance in those measures which were best adapted to promote the essential and lasting interests of the kingdom.—The Parliament was dissolved, by proclamation, the very next day.

The most active preparations were now made for compelling the Court of Spain to comply with our just requisition of satisfaction for the injuries and insults which she had com-

mitted. Meanwhile, Mr. Fitzherbert was sent to Madrid, with full powers, to settle the dispute between the two countries. The peremptory tone which Great Britain had assumed, was imputed by Spain, not to the feelings of offended dignity and violated justice, but to some lurking enmity, and some secret designs, which she did not chuse to avow. Spain attempted to justify her conduct by a public declaration, which was transmitted to all the Courts of Europe. This was followed by a memorial addressed to the British ambassador, by the Count de Florida Blanca, the Spanish minister, in which all the proceedings consequent on the capture of the vessels at Nootka Sound were recapitulated, as proofs of the pacific disposition of the King of Spain; but the restitution of the ships was considered as, at once, a sufficient satisfaction for the injury committed, and as a full and proper termination of the whole affair; while the *right*, on which the transaction was originally justified, was still maintained in its full force. In his answer, Mr. Fitzherbert observed, that, as a wanton and unprovoked act of violence had been committed on the persons and property of British subjects, his Sovereign was bound to insist, as a preliminary condition, upon a prompt and suitable reparation for those acts

and, in consequence of this principle, the practice of nations had limited such right of reparation to three articles:—1st. The restitution of the vessels;—2d. A full indemnification for the losses sustained by the parties injured;—and, 3d. A satisfaction to the Sovereign for the insult offered to his flag. In order to prevent all misconception of the nature and extent of the satisfaction thus required, Mr. Fitzherbert added, that if his Catholic Majesty would consent to make a declaration in his name, bearing in substance, that he had determined to offer to his Britannic Majesty, a just and suitable satisfaction for the insult offered to his flag;—such offer, joined to a promise of making restitution of the captured vessels, and to indemnify the proprietors, would be regarded by his Britannic Majesty as constituting in itself the satisfaction demanded; and his Majesty would accept of it as such by a counter-declaration on his part.

In the terms of accommodation here proposed, there was nothing injurious to the feelings, or offensive to the dignity, of the King of Spain. But as the Court of Madrid entertained hopes of interesting the French government, on whom it had formally called to fulfil the conditions of the memorable treaty concluded at Paris in 1761, and known by the denomination of THE FAMILY COMPACT;

it returned an evasive reply to the demands of the British government. The National Assembly of France, however, who were, in fact, the virtual sovereigns of that country, did not find it expedient to go to war with England, at this particular juncture; and, although they resolved to fulfil, and to renew, the existing treaties with Spain, and *decreed* that the navy should be increased to forty-five ships of the line, they afforded no encouragement to his Catholic Majesty to persevere in his resistance to the claims of justice. Accordingly, before their decree had passed, the Spanish government, well convinced that they had little to expect from the assistance of their old ally, consented to the terms originally proposed by the British minister; and a declaration, and counter-declaration, in strict conformity therewith, were signed by the Count de Florida Blanca and Mr. Fitzherbert, on the 24th of July.—And, on the 28th of October following, this dispute was brought to a happy termination, by a formal convention; by which every thing was placed on the same footing on which it stood previous to the capture of the British vessels at Nootka Sound. The full liberty of trade on the North-west coasts of America, and the right of fishing in the Pacific Ocean, and in the South Sea, were acknowledged and confirmed to Great Britain. Both nations were

restricted from establishing any settlement nearer to Cape Horn than the most southerly of the existing Spanish settlements. England consented to restrict her subjects from carrying on any illicit trade with the Spanish colonies;—reparation was made to the individuals who had suffered by the hostile acts of Spain; and it was finally agreed, that, in the event of any future difference, no act of hostility should be committed, but that it should be referred to the respective Courts, to be amicably settled.

The news of this accommodation reached England in November, where it occasioned a lively sensation of joy.—The city of London thought it of sufficient importance to form the subject of a congratulatory address to the King, —and the minister had the satisfaction of asserting the disputed rights of the country, and of vindicating her insulted honour, without the necessity of recurring to measures which must have essentially interfered with his favourite plans of the improvement of the revenue, and the reduction of the national debt.

CHAPTER XV.

Proceedings of the National Assembly of France—Declare the old Laws to be in force until new Laws shall be enacted—Dissent of the People from such Declaration—The will of the People, or rather the will of the Parisian populace, becomes the law of the Nation—Riots ensue—Hopes raised by Neckar's promises dissipated—Distresses of the Country—Enormous deficit—Assignats issued on the security of the Estates of the Church, which are ordered to be sold—Offer of the Clergy to supply the sum required rejected by the Assembly—The Public compelled to receive Assignats at par—Titles and Armorial Bearings suppressed on the motions of Charles de Lameth and Matthew de Montmorenci—Conquerors of the Bastille rewarded by the Assembly, but resign the honours proposed to be conferred on them—A Deputation to the Assembly from all the nations of the Earth—Anacharsis Clootz, a Prussian vagabond, orator of the Deputation—Favourably received by the Assembly—Curious Anecdote of this Deputation—The King resolves to put himself at the head of the Revolution—Communicates his resolution to the Assembly—Weakness and inefficacy of this Attempt — Robespierre becomes conspicuous — Marat excites the People to Rebellion—Seditious language of Camille Desmoulins—Proposal of Mr. Malouet, for prosecuting these Libels, first adopted, and afterwards defeated—Amnesty passed for all Revolutionary Crimes—

Motions for a similar Amnesty, for all persons accused of opposing the Revolution, rejected—Tumult in the Assembly excited by a Speech of the President de Frondeville—The President prints his Speech—Is imprisoned in his own House, by order of the Assembly—Reflections on this Transaction—The Duke of Orleans, at the Instigation of his Mistress, sends a Challenge to M. de Frondeville, but dares not meet him—Neckar, alarmed for his safety, flies from the Capital, and leaves the Kingdom—Opening of the new Parliament of England—The King's Speech—Debates on the Convention with Spain, which is censured by Mr. Fox—Supported by Mr. Pitt—Mr. Pitt proposes means for defraying the Expenses of the late Armament—Mr. Burke's Motion respecting the Impeachment of Mr. Hastings—Mr. Pitt's Speech—He defends the Rights and Privileges of Parliament—Contends that an Impeachment by the Commons is not abated by a dissolution—Examines the Question on the grounds of Precedent—Of the practice of Parliament, and of Judicial Decisions, and the Opinions of eminent Lawyers—Animadversions on the mode of Prosecution by Impeachment, and on the Judicial Power exercised by the House of Commons—The House resolve, by a great majority, to proceed with the Impeachment of Mr. Hastings—Mr. Burke proposes to limit the Prosecution to one more Charge—Remarks on his Speech—Motion for putting a stop to all further Proceedings rejected, and Mr. Burke's motion carried—War in India—Reprobated by Mr. Fox—Defended by Mr. Pitt—Approved by the House — Mr. Wilberforce moves the Abolition of the Slave Trade—Mr. Pitt's Speech in favour of the motion — Arguments in defence of the Trade—Motion rejected by a considerable majority—Philanthropic spirit of the Age—Laudable in its Principle, though mistaken in its Application—Repeal of certain Penalties, and Disabilities, to which Papists were subjected by the

Act 10. of William III. for preventing the growth of Popery—The Papists not satisfied by such partial Relief—Declaration of one of their Members on that Subject—Petition of certain *English Catholic Dissenters* to the House of Commons—They renounce many obnoxious tenets of the Church of Rome—They are not Dissenters merely in name, but in fact—The tenets which they renounced proved to have been enforced by the decrees of general councils, which all Papists are bound to obey—Bill for the relief of these Catholic Dissenters introduced by Mr. Mitford (now Lord Redesdale)—Supported by Mr. Windham and Mr. Fox—Mr. Fox defends the Bill, but insists that it does not sufficiently extend the principle of Toleration—Quotes the example of Prussia, Holland, America, and France—Those examples shewn to be irrelevant—Comments on Mr. Fox's notion of Toleration—The Bill passes both Houses without Opposition—The proposed Oath of Allegiance to be taken by the Catholic Dissenters, modified by the Bishop of St. David's—Observations on that Oath—Debates on the Bill for giving a New Constitution to Canada—Mr. Pitt's Speech—Proposes the division of Canada into two Provinces, and the establishment of two distinct Governments—The Bill passes through its first Stages without Opposition or Debate—Unexpectedly opposed by Mr. Fox on the Report—He condemns the whole of its Regulations—He reprobates the establishment of Hereditary Honours—Reduces the distinction of such honours, in established Governments, to a mere question of prudence—Mischievous tendency of such Principles—He censures the Provision of the Clergy as too liberal, and recommends the Governments of France and America, as affording better models for a good Constitution—Is answered by Mr. Pitt, who deprecates the introduction of Republican Principles into the British Constitution—The Bill is re-committed—Com-

mittee on the State of the Nation—Mr. Sheridan panegyrises the French Revolution—Mr. Fox pronounces it to be a stupendous monument of human happiness—Acknowledges a complete change in his system of external Politics to have been produced by the change in the government of France—Tendency of his Speech to encourage and propagate Revolutionary Principles in Great Britain.

[1790.] The union of moderation and firmness which had marked the conduct of the minister, while the dispute with Spain was pending, and to which its honourable termination was chiefly imputable, was extremely well calculated to ensure a continuance of that tranquillity which the nation now happily enjoyed, while the neighbouring countries were exposed to all the horrors of civil dissension. France proceeded, with wonderful rapidity, to retrace the steps which the wisest and best of her monarchs and statesmen had trodden for centuries, and, in the task of demolition, it is difficult to say whether the skill or the resolution of her regenerated patriots was most worthy of admiration. This is not the place in which to mark the windings of their crooked policy, or to describe the diabolical means to which they had recourse, for the accomplishment of ends which they did not yet dare publicly to avow, though they were perfectly obvious to the most superficial observer, and clearly intelligible by the plainest understand-

ing. The National Assembly, in virtue of the plenary power which it had arrogated to itself, had declared that the existing laws should remain in force until others should be framed and substituted in their place; but the people, who reasoned more consistently than these new-born legislators, concluded, that if those laws were too bad to remain in force, they were radically vicious, and the sooner they were destroyed the better; and on this conclusion they acted. And as they had, by the highest authority now existing in the state, been acknowledged as the only legitimate sovereigns, they resolved to exercise their supremacy, and made their will the law; applying it to every circumstance as it arose.—Hence riots ensued;—innocent men were murdered;—criminals were protected;—and all the natural blessings of a mob-government were enjoyed by the *good people* of Paris, who took upon themselves to personate THE NATION.

The magical talents of Neckar had failed to produce the effects which the people had expected to derive from them, and instead of that golden harvest which, in the ardour of their imaginations, had presented itself to their sight, they were reduced to submit to the dull exhibition of a dry arithmetical process, by which it appeared, that the revenues of a country do not increase with the diminution of its

resources; that those of France were in a most deplorable state, and that, in the first fifty one days of the year 1790, the deficit, or the excess of the expenditure over the receipts, amounted to *fifty-eight millions of livres*, or about *four and forty thousand pounds sterling*, per day! and, according to Mr. Neckar's calculation, the deficit of the year would exceed *twelve millions sterling*. As this enormous deficiency had been produced by revolutionary measures, the sages of the assembly thought it but just that revolutionary measures should be adopted for its removal. It was accordingly resolved, that *assignats* should be issued to the amount of four hundred millions of livres, above *sixteen millions, six hundred thousand pounds sterling*;—and that the estates of the church should be sold, which, it was expected, would raise a sufficient sum to provide for their payment. That this was not a measure of necessity (though no necessity could justify the partial plunder of any particular description of subjects) but preferred merely from its tendency to secure success to the revolutionary plans in agitation, is evident, from the offer made by the clergy to advance the same sum, which was refused by the assembly. Profoundly ignorant of every thing connected with the operations of finance, the assembly rendered the receipt of these assignats, at par,

compulsory on the public; and reduced the interest, which they proposed they should bear, from *five* to *three* per cent.—The clergy, being thus stripped of their tythes, and of every other species of property, now became stipendiaries of the state; and the assembly, at last, fixed their salaries, from the curate to the primate, from fifty pounds sterling to four thousand!

Tythes, and Armorial Bearings, were the next objects on which the assembly exercised their destructive skill.—*Charles de Lameth* proposed the suppression of the former; and a *Montmorenci* did not blush to move the annihilation of the latter! Possibly a sense of humility might suggest to him, that, as he possessed none of the virtues of his ancestors, he could have little claim to their honours or distinctions. —In vain did the Abbè Maury, with his usual good sense, remind these *tyrants of liberty* that the Romans had orders of knighthood, and were free; that, in France, the nobility was constitutional; and that to destroy it was to destroy the monarchy.—The very reason which he urged to deter them from passing such a decree, was the real motive which induced them to propose it.

Proceeding upon this levelling principle, it was but consistent in the assembly to admit deputations of the rabble to address them at

their bar. On the 19th of June, a body of ruffians, who had the most legitimate claims to the appellation of *sans-culottes*, but who preferred that of the *Conquerors of the Bastille*, went to the assembly to claim the reward due to their services.—As rebels and assassins, they ought long since to have been consigned to the hangman; but Mr. *Camus*, having recounted the prodigies of valour which they had displayed at this memorable siege, and expressed his astonishment that they should not sooner have received the recompence which their bravery so richly deserved, proposed, and the assembly, who knew that there was not a syllable of truth in his representation, decreed, after professing their "admiration at the heroic intrepidity of the conquerors of the Bastille," that they should be provided with a suit of regimentals, and arms complete.—Upon the barrel of the musquet, and the blade of the sword, were to be inscribed these words: *Given by the nation to ——— a Conqueror of the Bastille.*—An *honourable* certificate was also to be delivered to each of them, expressive of the gratitude of the country.—A similar certificate was also to be granted to the widows of those who fell at the *siege* of the Bastille. A place was to be appointed for them at the approaching federation of the 14th of July, where France might con-

template *the first restorers of liberty;* and their names were to be inscribed on the archives of the nation. — But the French and National Guards were so enraged at this proceeding, that the pretended conquerors of the Bastille deemed it prudent, a few days after, to repair to the assembly, and to resign their destined honours.*

Another scene, equally ridiculous, was exhibited during the same sitting.—A Prussian vagabond, one Anacharsis Clootz, appeared at the bar of the assembly, accompanied by deputies from the various nations of the earth, who had chosen him for their speaker.—This orator pronounced a most virulent harangue, expres-

* Bertrand's Annals, Vol. II. p. 461.---One of these conquerors of the Bastille had been apprehended, in the month of January this year, for making a disturbance before the prison of the Chatelet, during the trial of the *Marquis de Favres,* (who was murdered through fear of the mob) and was carried before one of the municipal officers. This man expressed his astonishment that he should be apprehended, and complained of the *mistake:* " What! Gentlemen!" said he, " am not I a good citizen? I, who cut off the heads of *Foulon* and *Launay;* who tore out their hearts and bowels?"——He then drew a knife from his pocket, with which he had performed the operation, and when it was objected to him, that the instrument was too small for such a purpose, he answered, that he had been a butcher and a cook, and understood amputations!--- *See the Moniteur of Jan.* 15, 1790.

sive of a hope, similar to that which Doctor Price and Mr. Fox had avowed, that the glorious example of France would be followed by all other states.—" You have proved," said he, " beyond a doubt, that the sovereignty resides in the people;—now, the people every where are under the yoke of dictators, who call themselves sovereigns, in spite of your principles.—The dictatorship is usurped, but the sovereignty is inviolable; and the ambassadors of tyrants could not do much honour to your august festival, (the approaching federation) as most of us, whose mission is tacitly acknowledged by our countrymen, that is to say, by oppressed sovereigns. What a lesson for despots! what a consolation for unfortunate nations, when we shall inform them that the first nation of Europe, in assembling its banners, has given the signal of happiness to France, and to the two worlds!"

Any other assembly of persons, but the National Assembly of France, would have consigned this man either to the stocks, as a drunkard, or to the mad-house, as a lunatic;—but the sentiments which he uttered were too much in unison with those of the majority, not to be listened to with attention, and not to be received with respect: during his harangue, he was repeatedly interrupted by the loud plaudits

of the assembly; and the President, Menou, made him a grave and serious answer, in which he informed him, that the assembly would allow him, and his brother deputies, to assist at the ceremony of the federation, on condition that, on their return to their respective countries, they would relate to their countrymen what they had seen.*

* It is scarcely credible, that any man, above the lowest of the rabble, should have acted as the majority of the assembly did on this occasion.---Several members addressed these cosmopolitan deputies, as if they had been really the respectable representatives of their different nations. M. de Fermont called their address the *noblest homage* which the assembly could possibly *receive for their labours*; and moved that their request should be granted by *acclamation*; and *Alexander de Lameth* seconded the motion made "in favour of these generous strangers." M. Bertrand de Moleville relates the two following curious anecdotes, respecting "these generous strangers," of whose "noblest homage" this first assembly, of the *first nation in the world*, was so proud.

"M. de Boulainvilliers, who was that day at the assembly, observed, among the deputation, a negro, who belonged to one of his friends: "Ah! *Azor!*" said he to him, "what are you come to do here?"---"Heigh, Massa!" answered the negro, "no me do de African."

"It was discovered the next day, that this assembly of all the nations of the earth to the most august assembly of the universe, and which formed the train of the Baron de Clootz, was entirely composed of vagabonds and foreign servants, hire at twelve livres a head. The secret was betrayed by an orthographical error. One of the vagabonds of the deputation went

The King who, with great personal courage, was destitute of that mental energy, and of that determined spirit, which are so necessary to control the turbulent passions of an irritable and infuriated people; and who had the misfortune to have ministers not more resolute than himself, had been advised, as the only means of recovering his lost popularity, and of preventing more fatal consequences, to *put himself at the head of the Revolution, and to*

the next day to the *Marquis de Biancourt*, a member of the assembly, and asked to be paid his twelve livres.—" What do you mean by your twelve livres?" said M. de Biancourt; " I do not know you, and how do I owe you any thing?"---" Because, Sir, it was I who did the Chaldean yesterday, in the assembly; we were engaged for twelve livres a piece, and I was desired to come to you to be paid."---" Indeed, Mr. Chaldean, you have been sent to a wrong person; I know nothing of the engagement you talk of, and have nothing to do in that business." *M. de Biancourt* made no secret of this visit, and the particulars even got into several newspapers. It was pretty generally suspected that an ill-shaped L, taken for a B, had caused the poor Chaldean's mistake, and the *Duke de Liancourt* was, in consequence, supposed to be the treasurer of the embassy, which, however, he constantly denied.---The author of this farce was sought and enquired after in vain; he never made himself known; and it is not yet very clear whether the imposition was meant to be put upon the public, or upon the assembly only.---Certain it is, that the public were not imposed upon, and that the assembly were, or appeared to be, completely so." --- *Bertrand's Annals*, Vol. II. p. p. 406-7. —*Note.*

direct its course. In pursuance of this advice, which nothing but a perfect ignorance of human nature could have suggested, and nothing but a full consciousness of incapacity could have induced any minister to propose to a Sovereign, so circumstanced, the King went to the assembly, early in the present year, and gave his formal sanction to the new order of things, to promote the success of which he promised to exert all the means in his power. — The declaration was received with every mark of enthusiastic approbation, and, for the moment, the King appeared to be once more the idol of his people. — The delusion, however, soon vanished;—the genius of rebellion again asserted his superior influence;—all the scenes of revolutionary violence were renewed; and every calumny, and every insult, were heaped upon the only real friends of the country. Some of the revolutionary butchers, who afterwards took the lead in this systematized rebellion, now began to rear their sanguinary heads.—Robespierre became bolder and bolder, in his addresses to the assembly; and that monster, *Marat*, circulated his inflammatory publications, not only in the capital, but throughout the country. —In one of the numbers of his "*Friend of the People*," which appeared about midsummer this year, he earnestly exhorted the people to fly to

arms, instantly to repair to St. Cloud, (where the Royal Family then were) and to bring back the King and the Dauphin to Paris, there to keep a strict guard over their persons, and to render them responsible for whatever might happen.—" Shut up," said this furious regicide, " the Austrian, (meaning the Queen) and her brother-in-law, (Monsieur) that they may no longer plot together. Seize all the ministers and their clerks; put irons on them; secure the chief of the municipality, and the mayor's lieutenant! Keep your eye on the general;—arrest the staff-officers; seize the post of artillery, in the *Rue Verte*; and make yourselves masters of all the magazines and powder-mills, and let the cannon be distributed among the different districts. Haste, haste, if it be not too late, or soon will the enemy's hosts fall upon you;—soon will you see the privileged orders rearing their heads again, and despotism, horrid despotism! will appear more formidable than ever. Five or six hundred heads struck off would have insured your peace, liberty, and happiness; but the mistaken humanity that withheld your hands will cost the lives of millions of your brethren. Let your enemies triumph but a moment, and blood will flow in streams! They will cut your throats without pity; rip up your wives, and extinguish for

ever among you the love of liberty;—their bloody hands will search for the heart in the bowels of your children."

Another revolutionary firebrand, Camille Desmoulins, referring to the federation, called it, and certainly with great truth, "a national federation," in which a King, with his hands tied behind his back, followed, in humiliation, the car of the conqueror. The difference between these jacobinical writers was simply this; that the one extended his sanguinary ban to all above the order of the common people; while the other limited his projects of murder to the Royal Family and their immediate friends.—The publication of such a paper as that of Marat, in the capital, openly instigating the mob to commit rebellion, regicide, and murder, affords, at once, a better idea of the state of the country, the temper of the people, and the conduct of the National Assembly, and a better comment on them, than any brief detail, or concise argument, could convey. Mr. Malouet called the attention of the assembly to these sanguinary libels, and, notwithstanding the indecent clamours of the opposition, who trembled for the fate of their agents, prevailed on the majority to order the Attorney-General (Procureur du Roi) to prosecute all the parties concerned in the composition or publica-

tion of them, for treason.—This decree, however, as far as it affected Camille Desmoulins, was revoked, at an evening sitting, three days after, at which few of the well-principled members of the assembly were present.—Alarmed, too, at this appearance of vigour, the advocates of rebellion availed themselves of another evening sitting to pass a general amnesty for all revolutionary crimes; though, when pressed to follow up the principle, by extending the amnesty as well to the prosecutions pending against the royalists, as to those which related only to rebels, the majority rejected the proposition with disdain, thereby clearly and unequivocally avowing their motives, and unfolding their views.

In a debate, in the assembly, in the month of August, on the subject of the arbitrary arrest of the Abbè de Barmond, at Chalons, by the municipality, on the ridiculous charge of having *carried off a citizen*; in other words, for having given a seat in his carriage to *M. de Bonne Savardin* an officer who had made his escape from the prison of the abbaye, where he had been confined on a charge preferred by a municipal committee, at Paris, of having formed the plan of a counter-revolution, contained in a memorial which was never produced, the President, de Frondeville, after having

exposed the dangers of such tyrannical proceedings, and the folly of those *friends to liberty*, who, by defending them, violated all the principles which they professed, concluded his speech with this observation: "If it be a good action to support the law, *M. de Barmond* performed a good action in removing a citizen from tyranny; and now it is proposed to you to detain him, under an arrest, while, *for these six months past, the assassins of our Princes are freely parading the capital; nay, perhaps, while they are seated among ourselves!*"—When he uttered these words he cast a significant look at the *Duke of Orleans*, whom every body knew to be one of the persons alluded to; and they knew Mirabeau to be another, for they had been pretty plainly pointed out, in the report of the proceedings instituted at the Chatelet, for the investigation of the crimes committed at Versailles, in the October preceding. The assembly, in an instant, became a scene of tumult and disorder; all the opposition, (or *Coté Guache)* joined by the mob in the galleries, exclaimed violently against M. de Frondeville, whom they refused to hear in explanation. At length they decreed, that the last sentence of his speech should be censured, and it was ordered that his speech should be laid on the table. M. de Frondeville imme-

diately published his speech, to which he prefixed this very apposite motto:

"Dat veniam corvis, vexat censura columbas."

And assigned, as the reason of its publication, that it had been honoured with the censure of the National Assembly, which, he modestly added, was the only merit which he was conscious of its having.—This gave rise to another very extraordinary scene in the assembly, for M. de Frondeville, having very honourably acknowledged that the speech was printed by him, for the purpose of distributing only among the members of the assembly, it was proposed to imprison him for eight days. The Abbè Maury contended, on this occasion, that the assembly had no right to inflict a punishment which was authorized by no law whatever, and for an offence which no law had described, or even noticed.—This was a question of very considerable importance, for if a popular assembly had a right not only to be judges in their own cause, but to make their own will the substitute for law, both in declaring the crime and fixing the punishment, there was an end to civil liberty, because there existed in the state a large body of men, who were not merely *above the law*, but who controlled the law, and

acting in open defiance of the law, deprived the subject of his freedom, at their pleasure, while they *violated the inviolability* which they had themselves proclaimed and established. But had the question, which involved some of the most important considerations to men who professed to be employed in the task of giving a free constitution to a regenerated country, been proposed to the rabble in the suburb of St. Anthony, it could not have been discussed with more violence, or with less reason.

The scene terminated by an order, that M. de Frondeville should confine himself to his own house for eight days; during which period his house was crowded with visitors, consisting of all that was respectable in the metropolis. The Duke of Orleans, at the instigation of his mistress, sent a challenge to M. de Frondeville, by the Prince d'Aremberg, which was accepted; but the business proceeded no further, for the Duke had not courage to keep his appointment.*

* Some time after, (in the month of November) Charles de Lameth was called out by the Duke de Castries, who wounded him in the arm.—The wounded man constantly received messages of enquiry from the Jacobin Club, and all the Revolutionary Societies in Paris; and the mob, headed by one *Clermont,* a known agent of the Lameth's, attacked the residence of the Duke de Castries, and demolished every

Neckar, who had long been the idol of the mob, and to whom the revolutionary party had been so deeply indebted, had ceased, for some time, to receive that popular incense which was so grateful to his weak mind, and which, indeed, seemed essential to his political existence.—In fact, his influence and his popularity were gone, and nothing but his dismission by the King could possibly have restored them.—Left, however, to himself, his situation soon became insupportable; and after, in the evening of the second of September, having received information from M. de la Fayette, that his life was in danger, and that the mob, which had been very riotous during the day, designed to attack his house in the night, he fled, [illegible] to his country-house, at St. Ouen; and, when there, his fears were so strong, that he dared not go to bed, but wandered, till morning, in the neighbouring valley of Montmorenci.—The next day,

article of furniture which it contained.—When the people had exercised this act of sovereignty, a military deputation went to the assembly, "*to demand vengeance*" on the Duke, and the demand was received with the loudest applauses by the whole opposition; at which a very moderate member, *M. Roy*, was so shocked, that he observed, with equal truth and energy, that "*none but villains could have so applauded!*" for which he was imprisoned three days.—*Bertrand's Private Anecdotes*, Vol. III. p. 185, 186.

he sent a farewell letter to the assembly, and left Paris, on his way to Switzerland, where he had ample leisure to reflect on a kingdom sacrificed to his vanity and incapacity!

While the affairs of France were thus hastening to a crisis, the new Parliament of Great Britain met, on the 26th of November. The King then informed the two Houses, in his speech from the Throne, of the termination of the dispute with Spain, by which he had attained his object—reparation for past violence, and the prevention of future disputes.—His Majesty adverted to the restoration of tranquillity in the north of Europe, excepting only the war still subsisting between Russia and the Porte; expressed his concern at the renewal of hostilities in the East, occasioned by the encroaching spirit of Tippoo Sultaun; and recommended to Parliament immediate attention to the internal government of the province of Quebec.—But little opposition, and no division, took place on the motion for the address; but a debate ensued, on the 13th of December, after the convention with Spain had been laid before the House, on a motion for the production of all the papers relative to the late dispute with that country, which was rejected by a majority of 124. The next day, (December 14th) another debate took place, on the motion for a con-

gratulatory address to the King, on the favourable termination of the dispute with Spain.—Mr. Fox was of opinion, that the reparation which had been obtained was insufficient, and not such as had been insisted on in similar cases, at former periods; and that the arrangements or the prevention of future disputes were utterly inadequate to the attainment of that object. In short, it appeared to him that we had made concessions to Spain, instead of receiving concessions from her, as we had before enjoyed a free and unlimited navigation in the Pacific Ocean, the unrestrained right of fishing in the South Seas, and the undoubted privilege of establishing settlements in any part of South or North-west America, from which we were not excluded by previous occupancy;—whereas, by this convention, we had submitted to have restraints and limitations imposed upon all these rights and privileges.

Mr. Pitt, on the other hand, maintained, that the reparation for the injury which we had sustained was complete. In the controversy, respecting the Falkland Islands, to which Mr. Fox had alluded, the minister of the day had, indeed, obtained a reparation, but he had left the claim of right unsettled. Upon the present occasion, by the first article of the convention, we had gained all that we could

have reasonably expected, on the point of restitution, the Spanish court having pledged itself to restore the lands of which we had been unjustly dispossessed; and, by the second article, our claim of right was acknowledged and adjusted. In answer to the objections of Mr. Fox, to other articles of the treaty, as being replete with concessions, rather than acquisitions, Mr. Pitt observed, that our gains consisted in the acquirement not of new rights, but of new advantages. He admitted, that we before had all the rights on which Mr. Fox had insisted; but they had always been disputed and resisted, whereas, by the present convention, they were fully recognized, and formally secured to us;—circumstances which constituted new and considerable advantages. Whenever a concession was made on our part, a stipulation, equally favourable to us, was made by Spain. In respect of the line of demarcation, Mr. Pitt deemed it most expedient to leave undefined, what, at the present moment, it was impossible to ascertain with sufficient accuracy. On a division, the address was carried by a majority of one hundred and twenty-four; two hundred and forty-eight having voted for it, and one hundred and twenty-three against it.

The day after this debate, Mr. Pitt laid

before the House an account of the expenses incurred by the preparations for war with Spain, which amounted to the aggregate sum of £3,133,000. He represented the circumstances of the nation, at this period, to be peculiarly fortunate and flourishing. The former parliament, which found the country depressed, and, apparently, burdened beyond measure, had not only laid the grounds of a gradual reduction of the National Debt, but had seen its efforts, to a certain extent, crowned with success. The present parliament, in the conception of Mr. Pitt, had not the same difficulties to encounter; for the country was obviously more equal to the burdens with which the late armaments compelled ministers, unwillingly, to load it. He hoped, therefore, that the House would meet the addition of debt with firmness and energy; that it would not be contented to defray the interest, and leave the capital a permanent burden, but that it would convince the world of the magnitude of our resources, as well as of the increase of our power. With this view, he should bring forward a plan of ways and means, adapted to the occasion, and should propose taxes, which would, in a short time, pay off the whole of the additional debt. The first resource to which he should apply was the balance of the issues of

public money for particular purposes, which had accumulated from unpaid dividends in the hands of the directors of the Bank of England. The right of the public to avail itself of this resource, he defended on the principles of prudence, of justice, of good faith, and of economy. He then took a view of the progressive increase of this balance, from the year 1727, when it was only £43,000, to the year 1790, when it amounted to £660,000, half a million of which he meant to appropriate to the public use, giving, to those who might be entitled to it, an adequate security on the consolidated fund. He next proposed to establish such temporary taxes as, with the addition of the unclaimed dividends, and of one permanent tax, should produce a sufficient sum to discharge the whole debt in the space of four years. In each of the two first years he intended to pay off, besides the interest, £800,000 of the capital, by which means, adding to these sums the half million from the bank, more than half the debt would be discharged in that short period; after which, part of the taxes might be taken off, and the others continued for the payment of the remainder in the two subsequent years, forming a complete extinction of the whole capital in four years. The means by which he proposed to

accomplish this salutary scheme of finance, was by imposing an additional duty of 2s. 8d. upon sugar, which would raise the whole duty from 12s. 4d. to 15s.; and would produce £241,000; one-sixth of the amount of the existing duties on spirits, which would produce £240,000; an additional duty of threepence per bushel on malt, which was calculated at £122,000; a tax of ten per cent. on all the assessed taxes, (except the commutation and land taxes) which was estimated at £100,000; and, lastly, a double tax on gamekeepers, and the addition of one-third more on licenses for killing game. These different taxes would yield the sum of £728,000, to which Mr. Pitt proposed to add the further sum of £300,000; which he expected to derive from a new modification, of a permanent nature, of an existing tax on bills of exchange and receipts. As, by this plan, the consolidated fund would gain an additional sum of £1,300,000 the first year, he moved that so much should be issued for the service of the year 1791; and, as a temporary resource for the remainder, he proposed the adoption of exchequer bills to the amount of £1,800,000. All these arrangements met the approbation of the House, except the appropriation of the unclaimed dividends. The objections urged against that measure, on the ground

of its tendency to affect the national credit, appearing to Mr. Pitt to be reasonable, he consented to accept, from the Bank, a loan of half a million, as long as a floating balance to that amount should remain in the hands of their cashier.

A question now arose in the House of Commons, of considerable consequence, as materially affecting the *judicial* powers, asserted and exercised by that assembly. The Parliament having been dissolved while the trial of Mr. Hastings was depending, some serious doubts were entertained whether the impeachment did not cease, of course, so as to render it necessary for the House to begin all their proceedings respecting it *de-novo*.—In order to bring this important point to a decision, Mr. Burke moved, on the 22d of December, "that it appears, that an impeachment by this House, in the name of the Commons of Great Britain, in Parliament assembled, and of all the Commons of Great Britain, against Warren Hastings, Esq. late Governor-general of Bengal, for sundry high crimes and misdemeanours, is now depending."—Mr. Burke observed, that his motion involved no abstract question, but was a plain, practical assertion of their privileges, as handed down to them by their predecessors, through an uninterrupted succession of five

hundred years. In all the convulsions of our government, in all the struggles, contests, and incidental or progressive changes of the functions and powers of the House of Commons, this alone had remained immutable.—That an impeachment was never to be defeated by collusion with a minister, or by the power of the Crown. Mr. Erskine, with a view to the appointment of a Committee to search for precedents, moved that the chairman (the House being in a committee) leave the chair, when one of the longest, and most able, debates, to be found in the annals of Parliament, ensued.

Mr. Pitt requested the attention of the committee, at a very early stage of the debate, while he submitted to their consideration his solemn and deliberate opinion upon the question at issue, the decision of which involved considerations of the first magnitude;—the rights and privileges of Parliament were concerned, which must remain ever inviolably sacred, or our valuable and excellent constitution would be subverted and destroyed.—Precedents had been consulted, with the laborious industry, no doubt, of many months investigation, by several honourable and learned gentlemen, but those adduced, upon the present occasion, in favour of impeachments abating upon a dissolution of Parliament, were in

number so few, and of such questionable authority, in his opinion, as clearly to evince the imbecility of the cause, without the most distant reflection on the abilities of its advocates. After the most diligent and accurate investigation in his power, of the subject under discussion,—after deliberating, for a length of time, upon almost every possible ground on which it might be argued, Mr. Pitt declared, that he was fully prepared to deliver his sentiments on the question,—how far impeachments were abated by a dissolution of Parliament?

The first point for consideration, was to ascertain if any evidence existed of an uniform established practice observed by both Houses, in their conduct of impeachments, which was to be considered as the law of Parliament in such cases. If there were cases which clearly established the point, that, from the usage of Parliament, impeachments did abate by a dissolution, he would bow in silence to the authority, but would lose no time in providing a remedy against a practice, the tendency of which was alike hostile to the privileges of the House, and destructive of the liberties of the country. The authority of such precedents no one would say ought to be relied upon, in preference to that of the fundamental principles of the constitution; but he was happy to find that there existed no evidence

of such an uniform rule of Parliamentary practice. From a dispassionate review of the different precedents, he was prepared to assert, with confidence, and the sequel, he trusted, would abundantly justify the assertion, that impeachment did continue *in statu quo* from Parliament to Parliament, notwithstanding the precedents so much insisted upon by Mr. Erskine, in support of a contrary opinion. Mr. Pitt then proceeded to consider the precedents which tended to prove the justice of his own position.—He adverted to cases in the reigns of Richard the Second, and of other princes of that age; but he only; dwelt on the case of the Duke of Suffolk, in the reign of Henry the Sixth, which indisputably proved that impeachments continued from one Parliament to another. In his investigation of precedents, however, he disclaimed all intention of confining himself to the more doubtful decisions of antiquity, and proceeded to more modern times, and to instances better ascertained and more applicable to his purpose. By the resolutions of the Lords, in the year 1673, writs of error, and petitions of appeal, were made to continue from Parliament to Parliament; but it was contended, since no mention was made of impeachments in that resolution, that a dissolution of Parliament operated as an abatement of such proceedings. Now the very opposite con-

clusion was deducible from the report of the committee, which expressly stated, that " writs of error, petitions of appeal, and other businesses of a judicial nature," ought not to be narrowed in their discussion, but to extend from Parliament to Parliament. Impeachments, therefore, as judicial proceedings, did not, necessarily, abate by a dissolution. But, in the order of 1678, impeachments were expressly mentioned, in common with writs of error and petitions of appeal, to continue from one Parliament to another.

To this precedent, however, clear and decisive objections had been taken to invalidate its authority.—First, it was affirmed to have been a very precipitate proceeding.—But how could that objection apply? Did it refer to any new matter, not included in the former resolution of 1673? Clearly not.—That order was only a deduction from the principles already laid down in the former decision; it could not, then, be a precipitate measure. But the critical juncture of affairs, during the ferment of party violence, and of civil contention, might probably, it was said, contribute materially to that resolution which authorized the continuance of impeachments. That objection too must vanish, on contrasting the circumstances of the times, in which the decision took place, with those of the

subsequent period at which it was rescinded. In 1678, the proceedings of the Lords were not influenced by any particular reference to some matter then depending; it was a general order, that writs of error, petitions of appeal, and impeachments, should survive a dissolution of Parliament. Nor was this measure the production of any party-violence or animosity; it was an unanimous decision, founded upon the resolution of 1673, to serve as a standing precedent for the conduct of future impeachments. But what was the case of the reversal of this decision in 1685, so much depended upon as a precedent in favour of the abatement of impeachments by a dissolution? Was it not at the æra when James the Second, a bigotted and popish prince, had ascended the throne of these realms, when the Parliament was obsequiously devoted to the will of the monarch,—when the sacrifice of principle was required to be made to practical abuse by the prejudices of the times,—when certain popish lords were about to be solemnly impeached, who were the supposed favourites of the King? Under such circumstances, what was the conduct of Parliament? They, very probably, thought that compliance was better than resistance at such a period;—and, therefore, they determined, probably with the best intentions, to rid themselves of the impeachments in con-

templation, by rescinding the order of 1678: the professed object of this reversal, then, was to screen the noblemen in question from the impending danger of impeachment. Mr. Pitt asked, against which of the decisions the objections taken from the circumstances of the times applied most forcibly,—whether to the order of 1678, or to its reversal in 1685? Unquestionably the latter. Mr. Erskine, therefore, had ably and successfully argued against himself; since, by this objection, he had clearly proved the one decision a good precedent, but the other a bad one.

The next objection to the order of 1678, was founded on the case of Lord Stafford, in 1680; but how could this instance invalidate the authority of the precedent in question? Because it afforded Mr. Erskine an opportunity of appealing to the passions, that, from his eloquent and pathetic description of the trial, conviction, and execution of that unfortunate nobleman, the committee might infer the injustice of the principle of continuing impeachments. But was that a legitimate and conclusive argument? Would not such reasoning prove adverse to the cause which he had laboured to establish? For, admitting the Parliament, in this instance, to have acted improperly by continuing an impeachment, might not another

Parliament be equally culpable in dispensing with the continuance of such a proceeding? Suppose a delinquent impeached, and the charges of crimination alleged against him gone through, when a dissolution of Parliament takes place, would it not prove the extreme of injustice to stay the proceedings by which the defendant would be precluded from entering upon his defence, and judgment of crimination or acquittal could not pass without a renewal of the proceedings *de novo?* His innocence or guilt must remain a subject of much doubt and suspicion. Would it not, therefore, be infinitely more expedient and proper, for the honour and reputation of both parties, that such proceedings, begun by one Parliament, should be resumed in *statu quo* by another? Upon such a liberal principle, the accuser would have every fair opportunity of making good his charges,—and the accused would have equal liberty to establish his defence.—Nothing short of this procedure could deserve the name of public justice. What! because the fate of one nobleman, from the continuance of impeachment, was supposed hard and oppressive, did it, therefore, follow that the exercise of such a privilege of the Commons, in every instance, would be attended with the same obnoxious consequences? If the abuse of an institution were a valid

argument against its utility, the objection might apply; otherwise, the learned gentleman's pathetic exhortation would go for nothing; for, in deciding on the merit of a dry precedent, our passions ought not to interfere with our judicial deliberations; the validity of the order of 1678 stood, therefore, unimpeached; a precedent which neither eloquence nor sophistry could possibly invalidate.

The case of Lords Salisbury and Peterborough, adduced as a precedent in favour of an abatement of impeachments by a dissolution, was equally unfortunate, for there did not appear, from the proceedings, any reference whatever, either to the order of 1685, or to any former decision upon the subject. The impeachment adverted to abated, not by virtue of any usage of Parliament, but, by the operation of an act of general pardon. The impeachment of Sir Adam Blair and others did not apply, because no attempts were made to renew the prosecution, and they had been holden to bail subsequent to a dissolution. Now, if the proceedings had abated in consequence of that event, the parties could not have been holden to bail afterwards; the impeachment having been determined, they must have been dismissed. But, as the proceedings were pending, unaffected by any dissolution, the parties were bound in a

recognizance. The only just inference, therefore, from that case clearly was, that impeachments did not abate in the manner in which it had been contended that they did by a dissolution of Parliament. The same conclusion was evidently deducible from the impeachment of Lord Danby; for there could not remain any doubt as to the sentiments then entertained by Parliament, since he was clearly dismissed on no other account than because the Parliament had abandoned the prosecution: now three dissolutions of Parliament had taken place before he was discharged.—It was evident, if a dissolution produced an abatement of impeachments, Lord Danby must have been dismissed upon the first dissolution; nay, he would have been, upon that principle, discharged of course. But the case was quite otherwise;—for Parliament was repeatedly dissolved, and Lord Danby was as often detained, until, at length, the Commons declining to prosecute, he was discharged; so that the impeachment abated by the act of the Commons, and not by the operation of a dissolution. In the cases of Lords Somers, Halifax, Portland, and the Duke of Leeds, impeachments abated in the same manner;—the Commons not prosecuting, the parties were severally discharged. On which side of the question, then, did the weight of evidence, from precedent, preponde-

rate?—Did not the scale fairly incline in favour of the continuance of impeachments from Parliament to Parliament? The right of the Commons to prosecute an impeachment, until judgment was obtained, in this opinion of Mr. Pitt, was clear, unequivocal, and indisputable, from the authority of such a body of precedents.

After investigating the evidence to be collected from precedents, the practice of Parliament, during the last three years, was the next object of inquiry, in the present discussion. Parliament exercised two powers,—legislative and judicial,—which had their separate distinct limits of duration. The confusion of these powers was the principal source of all the doubts which had been started on the question. Lawyers had differed as much in their opinions respecting writs of error, and petitions of appeal, as upon impeachments; from such collison of opposite sentiments, much satisfaction could not be expected. A reference should, therefore, be made to the clear and established principle of the constitution, in order to dispel every cloud of doubt, and to remove every shade of difficulty. Every act of legislation, it was well known, was terminated by prorogation, as well as by dissolution; but no judicial act was influenced by either. Impeachment, therefore, being a judicial proceeding, could not be

affected by prorogation or dissolution. In the case of writs of error, and of petitions of appeal, the process continued from Session to Session, and from Parliament to Parliament: much more necessary was it that the proceedings in an impeachment should also continue;—for, in the one case, there was only one individual against another, but, in the other, the House of Commons, and all the Commons of Great Britain, were parties against a state delinquent. The impeachment, in question, was not the act of the late Parliament, but of the whole Commons of the Realm; the proceedings being instituted in the names, both of consitituents and of representatives. It had been asked, if the House of Commons, in this instance, were the attornies of the people?—In one sense they were considered as agents, consulting their own judgment and discretion, in the protection of the interests of their constituents. But they were not the attornies of the people, as agents delegated with power, to act merely by the instruction of their constituents. — Such an acceptation of the term, Mr. Pitt said, should have his heartiest abhorrence and reprobation. An impeachment had been commenced by the Commons, in the persons of their late representatives; such a proceeding ought not to be discontinued without due enquiry and delibe-

ration;—for the House stood in a similar situation with the successor of the King's Attorney-General, in the present instance, who was required to proceed with all the trials already commenced on the part of the King. But, in law, it was said there was no such body as the Commons of England recognized; but would any one draw such an absurd inference from an accidental omission, that such a body had no real existence, which was to be regarded as the principal object of legislation in every civilized country?—Our ancestors had, in their accustomed wisdom, sufficiently, in his opinion, guarded against such a supposed solecism in politics, by ordering all supplies to be granted, as well as all impeachments to be made, in the name of the Commons: when once a proceeding, therefore, assumed a judicial form, its existence no longer depended upon the persons who were immediately concerned in its institution. The House of Commons were only the legal organ for the institution of impeachments, as the Attorney-General was for filing informations *ex-officio*, or preferring indictments in the name of the King. The public prosecutors, in the one case, were the Commons of the realm, and the King was the prosecutor in the other. From the consideration of the capacity in which the House, as a judicial, and

not a legislative, body, acted in the conduct of impeachments, it followed that their proceedings, by the constitution, could not abate, or be affected either by a prorogation or a dissolution of Parliament.

The next ground of evidence to which Mr. Pitt directed the attention of the House, was taken from the decisions of the Courts of Justice, and from the authority of eminent lawyers. He represented the authority of Lord Hale, great and respectable as it was, as to be considered with mistrust, on the present occasion, since writs of errors, petitions of appeal, and impeachments, were regarded by him as legislative, and not judicial, proceedings.—Now all the legislative proceedings, unquestionably, abated by prorogation as well as dissolution; but impeachments, writs of error, and petitions of appeal, were judicial proceedings, which continued from Session to Session, and from Parliament to Parliament. The error of Lord Hale proceeded from his confounding the legislative with the judicial power in parliamentary proceedings. This mistatement appeared from a passage which Mr. Pitt read to the committee, in which writs of error, petitions of appeal, and impeachments, were said to abate, as well by prorogation as dissolution. Lord Holt entertained a different opi-

nion upon the subject, since he had argued from the case of Lord Stafford, as a weighty and irrefragable precedent, in favour of the continuance of impeachments, and other judicial proceedings, from one Parliament to another. Lord Chief Baron Cmmyns, an authority of the highest respectability in the Courts of Justice, was also decided in his opinion on the subject; for, from a passage which he read out of his *Digest*, it appeared not only that impeachments continued, but that they should be resumed and prosecuted, until judgment was obtained, notwithstanding any contingent interruptions from either prorogation or dissolution. The authority of the legislature, too, in the preamble to an act of the 13th of the King, by implication, was also favourable to the point which he endeavoured to establish; besides, many cases from Carthew's Reports, and other authorities, might be adduced, which abundantly proved it had been long held, that impeachments were not affected by the operation of a dissolution. If such proceedings had abated, in consequence of such an event, it was evident that the cause of public justice would be greatly interrupted. But there was neither precedent nor law which authorized such a deduction; and the continuance of impeachments was frequently rendered indispen-

sably necessary, in order to produce a salutary operation, and to guard against their abuse. If impeachments were allowed to be a part of the judicial power, they must necessarily have the same operation with the other acts of that power. Writs of error, and petitions of appeal, as judicial acts, survived prorogation and dissolution;— so also ought impeachments. To admit the continuance of the former, and to insist upon the abatement of the latter, by the operation of a dissolution, was the grossest absurdity; since, as judicial proceedings, they were branches of the same power; and their connection depended upon a permanent union of principle. Those who insisted upon the abatement of impeachments were consistent, if they also insisted upon the abatement of writs of error, and petitions of appeal; but when once the continuance of the latter was allowed, and the abatement of the former contended for, in consequence of a dissolution, then it was evident that impeachments were made, in one instance, a branch of the judicial power, and, in another, an act of the legislature, in order to serve some particular purpose. Now, such confusion of the two distinct powers of Parliament should be studiously avoided, lest their proceedings should be

impeded by endless doubts and difficulties, and terminate in great oppression and injustice to individuals, and eventually tend to overturn our excellent constitution. The power of impeachment was a privilege of the first consequence to the liberties of the country; it operated as a salutary check upon those in administration, and effectually guarded against every undue influence of the Crown, in the protection of state delinquency. Ought the event of an impeachment, then, to depend on the operation of a dissolution? — No. If the exercise of the power were once to be influenced by such an event, there would be an end put to official responsibility; the most flagrant acts of corruption, oppression, and injustice, would pass with impunity; for the party impeached might procure, by his own interest, or the influence of his friends, a dissolution of Parliament, in order to escape the punishment which his offences might justly deserve.— Voluntary banishment were, indeed, too heavy a punishment for injured innocence to endure; for the purpose of avoiding our unjust impeachment; but for the guilty delinquent it would be no punishment, but rather a reward for his villainy. The abatement of impeachments, therefore, by a dissolution of Parliament, would

throw an insurmountable obstacle in the way of pub ic justice, and would deprive the House of a power the most formidable to a corrupt administration, the exercise of which served as a shield and bulwark for the constitution.

As to Mr. Erskine's objection, that no man could be a judge, *de jure*, in a court, without a competent knowledge of the whole proceedings; this was true, in an inferior court of judicature, but was not applicable to the House of Lords; for that supreme court of judicature was liable, perpetually, to change its members in consequence of death, which naturally produced others as their successors. Supposing the new members were ignorant of the proceedings already had, of the impeachment depending, what inconvenience could arise from that circumstance, when copies of the whole evidence were printed? They need only refer, for requisite information, to the journals. They had a right to judge from the minutes, upon the fidelity and accuracy of which they might always depend, since they were distributed, not only among those peers who were present at the taking of the evidence, but among those who were absent, for their information. An impeachment was an extraordinary case, which did not admit of

being conducted upon the same rules which governed an inferior court of judicature. In the one case, judgment was formed upon printed evidence; but in the other, *vivâ voce* evidence was certainly requisite. Were the rules of the court of King's Bench to obtain in the House of Lords, the question would be wholly at an end, and the right of impeachment at once annihilated, since it were better to file an indictment in the one, than prefer an impeachment in the other. But the object of impeachments was to bring delinquents to justice, who would escape if tried according to the ordinary rules of the courts of justice. The practice of the House of Lords was imcompatible with that of the other courts, in regard to *vivâ voce* evidence, and decision without separating.—Notes were in constant practice, and written evidence consulted, without which it were impossible, in case of impeachment, to reduce, under one view, the whole body of the evidence; for there were few instances in which impeachments did not occupy some days;—written evidence was, then, as indispensable in a trial of ten days as in one of three years. But it was said that, in a long impeachment, in consequence of the constant change of members in the House of Lords, some who had been accusers became judges. In reply, Mr. Pitt

observed, that there was no period of prorogation to which the same objection would not apply. The members who were so circumstanced certainly could not be deprived of their judicial powers; at the same time, the exercise and application of those powers remained at the sole disposal of their own feelings and consciences. It was an unavoidable circumstance, incidental to the nature of such a proceeding as an impeachment, from which no danger of injustice could be apprehended, with any shadow of reason.

When it was once established, that the right of impeachment did not abate by dissolution, the discretion of the House would next decide whether it were expedient to prosecute the impeachment in question any farther, or what line of conduct should be pursued in respect of it. No fair objection could be urged from any defect of information. The court in which the trial had been conducted, was accessible to all; all the reports, and papers, respecting the evidence, were open to general inspection; so that it was entirely at the option, not only of every member of the House of Commons, but also of every British subject, to remain in ignorance of any part of the proceedings. Mr. Pitt wished it to be understood by all, as an established and incontrovertible principle, that im-

peachments continued in *statu quo*. A contrary mode of proceeding would be attended with consequences destructive of the privileges of the House, as well as injurious and prejudicial to the cause of the party accused. If an offence, for instance, were committed, the conviction for which required a proceeding by impeachment, upon the eve of a dissolution of Parliament, the prosecution might be postponed until the meeting of a new Parliament, in order to avoid a repetition of the proceedings;—the consequence, naturally to be apprehended, was, the escape of the delinquent. If, on the other hand, an impeachment had been carried on for such a considerable length of time, as to exceed a dissolution of Parliament, the repetition of the proceedings in that case might materially impede the progress of public business. The death of a witness, in the mean time, might also very considerably affect the state of the evidence; and an impeachment, by this mode of proceeding, might be converted into an engine of oppression and injustice. Suppose the party impeached to have made some progress in his defence, his accusers might possess sufficient influence to procure a sudden dissolution of Parliament; the consequence might be a fresh accusation against him, fabricated out of his own defence. By such a nefarious proceeding,

an individual might continue to be the object of a public prosecution all his life time, without the means of being pronounced either innocent or guilty. Thus an impeachment must continue in *statu quo* after a dissolution, or the privileges of Parliament must suffer violence, and the cause of the accused sustain irreparable injury, and intolerable oppression. He was, therefore, decided in his opinion, from the weight of precedents, from the principles of the constitution, from the authority of the greatest luminaries of the law, from the immutable principles of justice, from the expediency of public trials, and from every argument of plain common sense, that impeachments not only continued unaffected by a dissolution of Parliament, but existed in *statu quo,* notwithstanding the operation of such an event;—he therefore should vote, with cheerful confidence, for the motion of Mr. Burke.

This debate lasted, by adjournment, for three days, and was maintained, on both sides, with an infinite degree of acuteness and ability. It is remarkable, that the principal speakers, in favour of the abatement of impeachments by a dissolution, were lawyers; among whom were Sir John Scott, (now Lord Eldon) Mr. George Hardinge, and Mr. Erskine. Though their arguments do not appear conclusive on the

point on which they intended more immediately to bear, they were sufficient to convince impartial men of the dreadful inconveniences attending the mode of prosecution by impeachment; a mode to which recourse should never be had, except in cases of notorious delinquents, whose offences would pass unpunished, unless a proceeding of this nature could be instituted. But surely it would be better to enact new laws for the punishment of such offences, by the regular Courts of Judicature, than to recur to an extraordinary process, pregnant with so much hardship to individuals, and open to so many *juridical* objections. It is more consonant, too, with the principles of the constitution, to *define* both offences and punishments, that no man may plead ignorance of the one in order to avoid the other.—As to the *judicial power* of the House of Commons, it were much to be wished, that its nature and extent were as precisely ascertained as the rights and powers of every other court;—the less, however, it is exercised the better;—for, in a deliberative assembly, so essentially popular, more party-spirit must necessarily prevail than is consistent with that impartiality and rectitude which ought invariably to distinguish the exercise of judicial powers.—And, in most cases of impeachment, this spirit is called forth in a particular man-

ner.—Still, notwithstanding this potent objection, the power in question is less to be deprecated in cases of impeachment, than in those cases in which the Commons act, at once, as parties, judges, and jury; thus exhibiting a legal anomaly which no friend to justice can contemplate without dread. When the question for the chairman to leave the chair was put, it was lost by a considerable majority; only thirty having voted for it, and one hundred and forty-three against it. Mr. Burke's motion was then carried without a division.

[1791.] Whether it was owing to the observations made during this discussion, or to a conviction of the hardship to which an individual was exposed from a prosecution extended beyond all ordinary bounds, Mr. Burke, on the 14th of February, (1791) made a motion for limiting the impeachment to one single charge more. In the course of his observations on the subject, he complained bitterly of the obstacles which the managers had experienced, particularly in the restrictions imposed on them with regard to evidence. He contended, from authorities, which he represented as incontrovertible, and from the uniform practice of Parliament, that the tribunal of the Lords ought not to be regulated by the forms of the civil or common law, or by customs of inferior

courts;—That it possessed a law and usage of its own, perfectly distinct, and of superior dignity;—That the managers of an impeachment had always claimed, as a privilege, an ignorance of the municipal law; and, without considering themselves as bound by any forms, had always acted merely from the facts before them, upon the evident principles of common sense,—That they had constantly pleaded in the plainest language, and not in the technical terms of the courts;—That, as the privilege of impeachment had been intended for the security of liberty and law, it ought not to be straitened in its operation. Here it must be observed, that the House of Lords should be allowed to judge of its *own law and usage*, as every other Court of Judicature is; and should not suffer the parties who come before it to dictate the line of conduct which it ought to pursue; otherwise this supreme court, to which a paramount authority is, in all other points, ascribed, would, in a most important particular, be deprived of the privilege enjoyed by subordinate tribunals. In the next place, if the managers of an impeachment are to be exempted from the salutary restraints which the settled law of evidence imposes; and if they are not to be straitened in their operation, in other words, not to be subjected to any of the established rules of law,

but to be above the law, it is high time that a stop should be put to such a mode of prosecution, and that other means than impeachment should be devised for the punishment of state-criminals. The House of Commons themselves, the prosecutors, first acting as a grand jury, claim an exemption from all those restraints, in the reception of evidence, to which all grand juries are, by law, subjected.—Then, acting as prosecutors, when adducing evidence in support of their own charges, they assert their right of compelling the court, before which they plead, to receive such evidence as no other court could receive, thus dictating, as it were, to the judges, who are ultimately to decide on the justice, or injustice, of their accusation!—To those who think that the *forms* of the law are of the *substance* of the law, and who believe the law of evidence to be the most wise, judicious, and effectual, for the protection of innocence, of any system of law ever devised by human ingenuity for that purpose, such pretensions must, it is conceived, appear subversive both of liberty and of law; and certain it is, that when the vast disadvantages under which any individual labours, who stands impeached by the House of Commons, are considered, disadvantages arising partly from the great influence of their authority, and partly

from the publicity of their proceedings, and the consequent impression on the minds, not only of the public, but of the judges themselves;—when these are considered in conjunction with the other exorbitant pretensions of the House, all tending to the prejudice of the parties accused, it is impossible not to deplore the necessity of similar prosecutions!

Some debate occurred, on this motion of Mr. Burke, in the course of which it was proposed to proceed no further with the impeachment; but this was strenuously opposed by Mr. Pitt, who repeated all his former arguments on the subject, and contended for the necessity of prosecuting the charges to judgment. The opposition was sanctioned by the majority of the House, and the managers proceeded as usual.—But, on the 23d of May, Mr. Loveden, convinced, as was, indeed, the majority of the nation, of the unreasonable length of the trial, proposed, that an address should be presented to the King, praying his Majesty to continue the session until the trial should be finished.—This motion was objected to as a violation of the Royal Prerogative; and it was, ultimately, rejected. It would, however, be most wise, if no adequate substitute for impeachments could be adopted, to pass a law to compel the

court, before which they are to be tried, to sit, *de die in diem*, until they are brought to a conclusion, and judgment pronounced.—Mr. Burke's motion was carried.

The King's speech having adverted to hostilities begun in our Asiatic territories, that subject was discussed, in the House of Commons, in the months of February and March.—The war had been occasioned by the unprovoked attack on the territories of our ally, the Rajah of Travancore, by Tippoo Sultaun.—It was contended, by several members of the House, that the attack was justified by the laws of the country; that it by no means afforded a sufficient ground for war; and that it was the height of impolicy to enter into an alliance with the Mahrattas.—Mr. Fox, in particular, reprobated the alliance in very pointed terms, and expressed his conviction that its object was to extirpate Tippoo, and to plunder his territories. —This object, however, was most peremptorily disclaimed by Mr. Pitt, and all the motions of Mr. Francis, tending to censure the principles of the war, and to prevent its further prosecution, were negatived, and resolutions, of a directly contrary nature, proposed by Mr. Dundas, received the sanction of the House.

Early in the present session a committee had been appointed, on the motion of Mr.

Wilberforce, for receiving and examining evidence, on the subject of the Slave Trade, as a preliminary measure to another motion for its abolition. A great mass of evidence had, in consequence, been collected; and, on the 19th of April, leave to bring in a bill for that purpose was accordingly moved for. Mr. Pitt spoke in favour of the motion, and declared that in all the questions, whether political or personal, in which he had ever engaged, there never had been one in which his heart had been so deeply interested as in the present, both on account of the serious principles which it involved, and of the important consequences with which it was connected. He argued the question on the two-fold ground of justice and of policy. Convinced as he was, that the trade was founded in injustice, it was impossible for him to give his support to its continuance, unless he could be convinced, that there was no laws of morality binding upon nations, and that it was no duty of a legislature to restrain its subjects from invading the happiness of other countries, and from violating the fundamental principles of justice.

If this broad principle could be supported, it was perfectly needless to enter into any further discussion; for the injustice of the trade being once admitted, no arguments,

founded on the policy or expediency of the measure, could possibly avail. But as it had been long expressly sanctioned by Parliament, and as, in consequence of such sanction, considerable fortunes had been embarked in it, justice required that the degree of injury to be sustained by its abolition should be ascertained, and that Parliament should be pledged to make ample compensation for the same. Mr. Pitt, however, undertook to prove not only the injustice and inhumanity of the trade, but that its abolition would be productive of no injury to the proprietors of West-India estates.—This last point he endeavoured to establish by a comparative statement of the deaths and births of slaves, in Jamaica, from which he inferred, that the population might be kept up without any further importation.—But, in discussing the *justice* of the measure, it was impossible for him not to perceive that if the trade was originally *unjust*, so as to render it improper to be continued, it would be equally improper to profit by the fruits of *injustice*;—and that, if no more slaves ought to be made, those already made ought to be restored to liberty. Mr. Pitt, however, was too much of a practical politician to carry the principle which he had adopted, in this instance, to its natural extent. He truly represented the question of emancipating the

slaves in the West-Indies, as a *delicate question*. A rash emancipation, he was clear, would be wrong and mischievous. In the situation in which the slaves were placed, it would be no justice on either side to give them liberty.—They were as yet incapable of it, but gradually their situation might be mended.—They might be relieved from every thing harsh and severe, raised from their present degradation, and put under the powerful protection of the law; till then, to talk of emancipation was insanity. But it was the system of fresh importations which interfered with these principles of improvement, and it was the abolition of the trade which could furnish the means of effectually regulating the situation of the slaves in our islands. This was not a loose idea, taken up without reasoning and reflection, but it had its foundation in human nature;—wherever there was the incentive of honour, credit, and fair profit, there industry would be; and when these labourers should have the natural springs of human action afforded them, they would then rise to the level of human industry; but when degraded into mere machines, they would not even afford the benefit of machines, but become more unprofitable, and every way more disadvantageous, than any other instrument of labour whatsoever.

In opposition to Mr. Pitt, and to those who embraced the same side of the question, it was contended, that the trade was just, politic, and humane;—and many ingenious, and some solid, arguments were urged in support of these several positions. In behalf of its humanity, it was remarked, that, bloody as it was supposed to be, the effusion of blood would be much greater if our slave-ships were no longer suffered to visit the coasts of Africa. It was this identical traffic, iniquitous and inhuman as it had been called, which snatched many miserable wretches from inevitable death; it being the general practice of the Africans to sell those prisoners and culprits only, whom otherwise their sanguinary laws and customs compelled them to murder.—Considered in this point of view, this calumniated trade, so far from having sacrificed, had saved, the lives of thousands.—These arguments prevailed, and the motion for abolishing the trade was negatived by a majority of nearly two to one.

A spirit of philanthropy, highly laudable, however occasionally mistaken in its application, evidently pervaded the minds of the leading public characters of this period.—After discussing the question of the Slave Trade, a question, certainly, of great importance, whether considered as involving the principles of justice

and humanity, on the one hand, or as affecting the prosperity, and even the security, of our colonial settlements, on the other, was soon followed by another discussion, originating in the same spirit. The Romanists, whose attachment to the House of Stuart (an attachment in itself most praise-worthy, and only criminal in the excesses to which it led) had induced them, in various instances, to act in a manner clearly inconsistent with their duty as British subjects.—But as their conduct had, for many years, been peaceable and unobjectionable, it was considered, in the year 1778, proper to relieve them from the operation of many severe statutes, which had been passed against them, and which never would have been enacted if they had not been regarded as necessary for the safety of the state. Sir George Saville, at that period, brought in a bill for the repeal of certain penalties and disabilities, imposed by an act of the 10th of William III. for preventing the further growth of popery.—By this act, popish priests and jesuits, who should officiate in the Romish churches or chapels, were declared guilty of felony, if foreigners; and of high treason, if natives: popish heirs, if educated abroad, forfeited their inheritance, and their estates descended to the next protestant heir.—A son, or other nearest protestant relation,

might take possession of the estate of a father, or other next of kin of the popish persuasion, during the life-time of the real proprietor; and papists were excluded from acquiring almost every species of property.—These were certainly hardships and disqualifications which nothing but the most imperious necessity could justify; —they tended to sow the seeds of family discord, and to loosen many of the bonds of society.—The bill for their relief, therefore, was cordially received by all parties, and passed into a law with little opposition. But this partial relief by no means satisfied the Romanists, who conceived themselves entitled to every privilege enjoyed by the members of the established church. One of their most learned and enlightened ministers had no scruple to make the following public avowal, in the year 1781: "The boasted excellencies of the British constitution are nothing to me, who am deprived of *the common rights of humanity;* they only serve to make my condition more irksome, and to create *a restless desire of changes and revolutions.*"*

* *The state and behaviour of English Catholics, from the Reformation to the year* 1781. Second edition. p. 133.—This tract, though published anonymously, is well known to be the production of the Rev. Joseph Berrington, the author of several publications of distinguished merit.—The principles of this

This writer should have been candid enough to admit, that the toleration, now enjoyed by the English papists, was much greater than was allowed to the protestants in any country in which popery was the established religion of the land; and he was too intelligent not to know, that the *rights of humanity*, and *political rights*, which he here seems to have confounded, are very different things.

In May, 1789, the *English catholic dissenters*, as they styled themselves, presented a petition to the House of Commons, praying to be relieved from the disabilities under which they laboured. In this petition they acknowledged, that they should merit the reproach of being dangerous enemies to the state, if it were true that they had adopted the maxims imputed to them; but they expressed their detestation of those unchristian-like and execrable maxims; and asserted that they ought not to suffer on account of any wicked erroneous doctrines which might have been holden, or that might still be holden, by any foreign Roman catholics, which doctrines they publicly disclaimed. They observed,

gentleman, however, were deemed too *liberal* by the seniors of his church; and, if our memory do not fail us, he took a different part from the leading popish ecclesiastics, in a point relating to the papal authority in this realm.

that they had been publicly accused of holding, as a principle of their religion, that persons excommunicated by the Pope and council, or by authority of the See of Rome, might be deposed or murdered by their subjects or other persons.—But so far was this unchristian-like and abominable position from being a principle which they, the petitioners, held, that they rejected, abhorred, and detested it, and every part of it, as execrable and impious, and they solemnly declared, that neither the Pope, either with or without a general council, nor any prelate, nor any priest, nor any assembly of prelates or priests, nor any ecclesiastical power whatever, could absolve the subjects of this realm, or any of them, from their allegiance to George the Third, who was, by authority of the legislature, the lawful king of this realm, and of all the dominions thereunto belonging.

They next noticed the charge which had been preferred against them, of holding, as a principle of their religion, that implicit obedience was due from them to the orders and decrees of Popes and general councils; and that, therefore, if the Pope, or any general council, should, for the good of the church, command them to take up arms against government, or by any means to subvert the laws and liberties of this country, or to exterminate persons of a

different religion from the petitioners, their accusers asserted, that they held themselves bound to obey such orders or decrees on pain of eternal fire. Whereas they positively denied that they owed any such obedience to the Pope and general council, or to either of them.—On the contrary, they believed that no act, immoral or dishonest in itself, could ever be justified by, or under colour of, its being done for the good of the church, or in obedience to any ecclesiastical power whatever. They acknowledged no infallibility in the Pope; and they neither apprehended nor believed that their disobedience to any such orders or decrees (should any such be given or made) could subject them to any punishment whatever. They solemnly declared, that no church, nor any prelate, nor any priest, nor any assembly of prelates or priests, nor any ecclesiastical power whatever, had, or ought to have, any jurisdiction or authority whatsoever within this realm, that could directly, or indirectly, affect or interfere with the independence, sovereignty, laws, constitution, or government thereof;—or the rights, liberties, persons, or properties of the people of this realm, or any of them, save only and except by the authority of Parliament; and that any such assumption of power would be an usurpation.

They had been further accused of main-

taining, that the Pope, by virtue of his spiritual power, could dispense with the obligation of any compact or oath taken, or entered into, by any person of their religion; that, therefore, no oath of allegiance, or other oath, could bind them, and, consequently, that they could give no security for their allegiance to any government. The petitioners admitted that this conclusion would be just if the original proposition upon which it was founded were true; but they positively denied that they held any such principle; and, they solemnly declared that neither the Pope, nor any prelate, nor any priest, nor any assembly of prelates or priests, nor any ecclesiastical power whatever, could absolve them, or any of them, from, or could previously or subsequently dispense with, the obligations of any compact or oath whatsoever.

The next accusation to which the petitioners adverted was that of holding, as a principle of their religion, that not only the Pope, but even a priest, had power, at his will and pleasure, to pardon the sins of the Roman Catholics; and, therefore, that no person of that persuasion could possibly give any security for his allegiance to any government; inasmuch as the Pope, or a priest, could pardon perjury, rebellion, and high treason. The petitioners also acknowledged the justness of this conclusion,

if the proposition on which it was founded were not totally false; but they solemnly declared that, on the contrary, they believed, that no sin whatever could be forgiven at the will of any Pope, or of any priest, or of any person whomsoever,—but that a sincere sorrow for past sin, a firm resolution to avoid future guilt, and every possible atonement to God, and the injured neighbour, were the previous and indispensable requisites to establish a well-founded expectation of forgiveness.

The last charge to which they referred, was that of maintaining that faith was not to be kept with heretics, so that no government, which did not profess the same religion with themselves, could have any security from them, for their allegiance and peaceable behaviour. They rejected, reprobated, and abhorred the doctrine that faith was not to be kept with heretics, as being contrary to religion, morality, and common honesty; and they held, and solemnly declared, that no breach of faith with, or injury to, or hostility against, any person whomsoever, could ever be justified by reason of, or under pretence, that such person was a heretic or infidel.

And they further solemnly declared, that they made this declaration, and protestation, and every part thereof, in the plain and

ordinary sense of the words of the same, without any evasion, equivocation, or mental reservation, whatsoever; and they conceived that they who thus solemnly disclaimed, and from their hearts abhorred, these abominable and unchristian-like principles, ought not to be put upon a level with any other men who might hold and profess those principles.*

These petitioners certainly described themselves, with great justice, Roman catholic dissenters, for they did dissent, and that most essentially, from several of the avowed and recorded tenets of the church of Rome, to be found in the decrees of her councils, and from many of the principles more recently promulgated in the pastoral letters of some of her bishops.† No renunciation could be more ex-

* See this petition, at length, among the state papers, in the Annual Register for 1789.

† In the general decree of the Council of Constance, of the 19th session, A. D. 1415, it was declared, that "*Faith is not to be kept with heretics, or persons suspected of heresy*, notwithstanding they might be provided with safe conducts from Emperors and Kings."—And this decree was confirmed by the Council of Siena, A. D. 1423. A letter from Pope Martin V. in the same year, explicitly states this doctrine.—And an earlier decretal of Pope Gregory XI. who was elected in 1370, expressly absolves subjects from *oaths of fidelity, homage, and allegiance, to any person whosoever, fallen manifestly into heresy*. The bull of Pope Pius V. dated February 24, 1569, "*against*

press, unequivocal, and satisfactory;—and the tenets and principles renounced were those which, more than any other, rendered the Romanists dangerous subjects to a protestant king. It, therefore, would have been highly unjust to confound these dissenters with the staunch members of the Romish church who maintained such principles, who deemed their church infallible, and who held themselves bound to pay implicit obedience to the decrees of her general councils.

It was from the favourable impressions excited by these circumstances, that Mr. Mitford (the present Lord Redesdale) was induced to propose measures for the further relief of Roman Catholics of this description. On the 21st of Feb. 1791, he moved for leave "to bring in a

Elizabeth, pretended Queen of England, and the heretics adhering to her; by which all her subjects are declared to be absolved from their oath of fidelity, and from any other duty; and they who may obey her thereafter, are involved in an anathema," is well known. Pope Gregory XIII. too, issued a similar bull, on the 13th of May, 1580, to incite the Irish to rebellion against Elizabeth, by the promise of the same plenary pardon, and remission of sins, as were granted to persons engaged in a holy war against the *Turk*, or other *infidel* possessor of the Holy Land. In short, all the principles renounced by the *dissenting* Catholics, on this occasion, are to be traced in the authentic documents of the Romish Church, from the middle ages to the present time.

bill to relieve, upon conditions, and under certain restrictions, persons called protesting catholic dissenters, from certain penalties and disabilities, to which papists, or persons professing the Popish religion, are, by law, subject." In his preliminary observations, Mr. Mitford remarked, that it was very well known that the laws against Roman Catholics were very severe, but that the extent of their severity was not equally known.—In Burn's Ecclesiastical Law, no less than seventy pages were filled with an enumeration of the penal statutes still in force against them. The present reign was the only one, except the short one of James the Second, since the reign of Queen Elizabeth, in which some additional severity had not been enacted against this description of people.—He observed, however, that the extreme rigour of the statutes, in question, during the reign of Elizabeth, could not be a subject of wonder, when it was considered that the Pope had excommunicated that Queen, and absolved her subjects from their oath of allegiance.

Mr. Windham seconded the motion, which was supported by Mr. Stanley and Mr. Fox.—The last of those gentlemen considered the bill as too limited in its views, and expressed his wish that a complete toleration should be established: he did not, however, venture to define the

boundaries of toleration.—He asserted, indeed, that the state had no right to enquire into the opinions of people, either political or religious,—it had a right only to take cognizance of their actions; such persecution and oppression as, he said, existed in England, did not exist in any other country.—In all the King of Prussia's dominions universal toleration prevailed; in the United States of Holland, in the United States of America, and in France, there was likewise to be found universal toleration. What could be the reason of this? Would it be said that Prussia was too little monarchial for a monarchy, or Holland too little aristocratical for an aristocracy; or that liberty was not sufficiently extended to satisfy the friends of freedom in America or in France? Yet, although toleration fully obtained, in a monarchical and in an aristocratical government, as well as in two democracies, under our boasted constitution it was narrowed and confined in shackles disgraceful to humanity.

Mr. Fox must have known very well, that neither in Prussia nor in America, did the same reasons subsist which subsisted in this country, for imposing extraordinary restrictions on the Roman Catholics. In America, indeed, there is no established religion, and, consequently, there can be no necessity for such restrictive laws.

As to the *universal toleration* said to prevail in France, unless Mr. Fox meant to refer to *revolutionary* France, it is impossible to conjecture from what source he derived his information. Subsequent to the revocation of the edict of Nantz, in the reign of Louis the Fourteenth, nothing like religious toleration was known in France; all protestants were deemed *heretics*,—they were allowed no place of worship, and were even denied christian burial. If Mr. Fox alluded to France since the revolution, he had no right to found any argument on a system still in its infancy; and if any judgment were to be formed from the *result* of such system, it would be adverse to his principle; for the consequence of the *toleration* established by the revolution was the total annihilation of all religion in that distracted country. Mr. Fox must have known very little of human nature, if he supposed that religious opinions had no influence on political conduct,—and must have been a bad statesman if he were hostile to a system of *preventive policy*. Opinions, generally speaking, are certainly not cognizable by government, so long as they are confined to the persons who entertain them, or to the immediate circle in which they move; but the moment they are published, if they contain any thing hostile to the constitution, or have any tendency to excite disaffection,

or to disturb the public peace, they became fit subjects for cognizance, for animadversion, for censure, or for prosecutions, according to the degrees of danger consequent on their circulation.

The bill passed through both Houses, without a dissenting voice. In the House of Lords, Dr. Horsely, Bishop of St. David's, suggested an alteration, in the form of the oath of allegiance, proposed to be taken by the persons whom the bill was destined to relieve. As the oath was framed in the bill, the doctrine that Princes excommunicated by the see of Rome might be deposed and murdered by their subjects, was declared to be impious, heretical, and damnable. Now, that the doctrine justly deserved the application of such epithets, no sober christian could deny. But the Bishop observed, that though those Romanists felt not the least disinclination to express their disapprobation of such a doctrine, from scruples, founded on a tender regard for the memory of their progenitors, they could not bring themselves to brand it with the harsh terms which the oath prescribed.—If this were the case, they could not entertain a just opinion of the doctrine, nor feel a proper abhorrence from it; for that doctrine is an express violation of one of the positive commands of God, and, there-

fore, it must be impious, heretical, and damnable; no terms, less strong, could fairly characterize it; and no reasonable objections could be harboured, by any persons who really condemned the doctrine, so to describe it; and how the Bishop, then, could represent objections to such an oath, as "fair, honest, and conscientious scruples," it is not very easy to conceive. The House, however, adopted his lordship's idea, and the oath was altered so as to suit the consciences of the Romanists.

When Canada was ceded to this country by France, and became a British colony, the King had promised its inhabitants the benefits of the British constitution. The French settlers in that country, and the native Canadians, had been joined by a considerable number of British subjects, and by Royal emigrants from America; and these were most anxious to secure the advantages which the Royal promise had held out to their expectations. The ministers had, for some time, directed their attention to the subject, and it was recommended to the immediate notice of Parliament, by a message from the King, in the present session. Accordingly, on the fourth of March, Mr. Pitt moved for leave to bring in a bill for regulating the government of Canada; and he entered into a long and minute detail of every provision which he meant

to propose.—It was meant to divide the country into two provinces, Upper and Lower Canada, and to establish two distinct governments. The legislature of each province was to consist of a Council and House of Assembly; the members of the Assembly were to be chosen by freeholders, possessing landed property to the amount of forty shillings a year, or occupiers of houses worth twenty pounds a year; and the members of the council were to hold their seats for life; with the reservation of a power to the Crown, for annexing, to certain honours, an hereditary right of sitting in the council. The Habeas Corpus act was to be rendered a permanent law of the colony. A provision was to be made for the protestant clergy, by an allotment of lands. Appeals were to be allowed to the privy council, in the first instance, and from thence to the House of Lords. Great Britain renounced the right of taxation; no taxes were to be imposed but such as were necessary for the regulation of trade and commerce; and these only by the legislature of the country.

This bill, relating to the government of a distant province, was not calculated, in itself, to excite much interest in this country, nor much opposition in Parliament. But, connected with the new principles which the French revolution had set afloat in the world, any

question, involving political considerations on the formation of a new constitution, might very easily be made a pretext for the approbation and diffusion of those principles. The bill, however, passed through its first stages without opposition, and almost without debate. It was read a first and second time; it passed the committee, and the report was received by the House; and nothing like disapprobation was shewn. But, to the surprize of every one, on the second consideration of the report, on the 8th of April, Mr. Fox, who had hitherto given, at least, his tacit approbation to the bill, stood forth its determined opponent.—He began by expressing his hope, that, in promulgating the plan of a new constitution, the House would keep in view *those enlightened principles of freedom* which had already made a rapid progress over a considerable portion of the globe, and were every day hastening, more and more, to become universal.

Mr. Fox then proceeded to object to almost every leading feature of the bill, though he had suffered all the usual stages, in which opposition is made to any parliamentary measure, to pass without a single expression of discontent at any one of its provisions. The plan of dividing the colony into two provinces he now condemned. It had been remarked, that, by this

regulation, the French and English Canadians would be completely distinguished from each other;—but he considered such a measure as most mischievous; and maintained that it would be the wisest policy to form the two descriptions of people into one body, and endeavour to annihilate all national distinctions. He next objected to the proposed mode of representation. He thought the number of members in the two assemblies, the one sixteen, and the other thirty, much too small. A country, like France, three or four times larger than Great Britain, might require a portionably greater number of representatives; but the reverse did not equally follow. He disapproved of the clause which permitted the same assembly to remain undissolved for the period of seven years; and he declared himself unable to comprehend why a septennial bill should be preferred to an annual or a triennial one. By a septennial bill Canada would probably be deprived of several of the few representatives that were allowed it; for as most of its more respectable citizens were persons engaged in trade, they would probably be unable to attend their legislative duties for so long a period.

The mode of composing the legislative councils was equally condemned by Mr. Fox: instead of being hereditary councils, or coun-

cils named by the King, as in our West Indian islands, or chosen by electors, as in the United States of North America, they were to be compounded of the two first. For his own part, he said, he should have preferred a council, freely and frequently elected. On no terms would he have had hereditary counsellors. He meant not to discuss the general proposition of what utility hereditary powers and hereditary honours might be, abstractedly considered; but he confessed, that he saw nothing so good in them as to make him wish for their introduction among a people to whom they were, at present, unknown. In kingdoms where they already formed a part of the constitution, he did not think it *prudent* to destroy them; but to give them both in countries where they had no previous existence, appeared to him extremely unwise. He could not account for such a proceeding, unless it was from a wish that, as Canada had formerly been a French colony, an opportunity might be afforded of reviving those titles and honours, the extinction of which some gentlemen so much deplored, and of awakening in the West that spirit of chivalry which had so completely fallen into disgrace in a neighbouring kingdom. He asked, if these red and blue ribbands, which had lost their lustre in the old world,

were to shine forth in the new? It seemed to him peculiarly absurd to introduce hereditary honours in America, where those artificial distinctions stank in the nostrils of the natives.*

Here Mr. Fox spoke pretty plainly in favour of those revolutionary principles which were now afloat in the world. While he openly condemned the introduction of a distinction of ranks in a political society about to be formed, and exerted all his eloquence to render such distinction an object of derision and contempt, he spoke with cautious diffidence, and studied doubt, on the destruction of hereditary powers, and hereditary honours, in those states where they already formed a part of the constitution, reducing the abolition of them to a mere question of *prudence*. — Now, admitting that to destroy one essential part of a constitution,

* This account of Mr. Fox's speech is taken from Dodsley's Annual Register, after a careful comparison of it with the Reports in the different Parliamentary Debates. The writer of the historical part of that work had evidently paid great attention to this subject, and exercised the greatest circumspection in his narrative of the different facts. And he is entitled to more credit than, perhaps, any writer of the day, from the deep interest which he took in the discussion, and from the manifest concern which he felt for the difference which it produced between the two great leaders of the opposition.

is only a matter of *prudence*, it follows, almost of course, that the destruction of any other part must be merely a prudential consideration also. And if it may be prudent to destroy *the hereditary powers*, and *the hereditary honours*, of the aristocracy, so it may be deemed equally prudent to destroy *the hereditary powers*, and *the hereditary honours*, of the Sovereign. This inference was actually, and most naturally, drawn, by the *practical patriots* of France, who, certainly, to do them justice, in point of *consistency*, left the *speculative patriots* of Great Britain far behind them. But nothing could be more unwise than the promulgation of such sentiments at such a period; as they went to destroy the very root of civil subordination; to loosen the main links by which the chain of society is connected; to render uncertain and precarious those principles of government, the stability and permanency of which are essential to its efficacy and security; and to encourage that revolutionary spirit, of the prevalence of which, in this country, some manifest symptoms had recently been exhibited.

Mr. Fox stated various other objections to the bill;—the appropriation of one-seventh of the lands to the clergy he disapproved as an exorbitant allowance; and he thought that no appeal should lie to the King in council, but

immediately to the House of Lords. And, at the close of his speech, he observed that ministers might have found better models for a new constitution in the governments of the United States of North America. As the love of liberty, he said, was gaining ground, in consequence of the diffusion of literature and knowledge through the world,—a constitution ought to be formed for Canada, as consistent as possible with the genuine principles of freedom. The bill, in his opinion, would not establish such a government, and that was his principal reason for opposing it.

It is so seldom that legislative assemblies are called upon to decide upon the question of forming a new constitution for a country, that it becomes difficult to prescribe particular rules or limits to any discussions which such question may occasion. Nothing, however, can be more natural, or more justifiable, in any member who wishes to deliver his sentiments on the subject, than a reference either to abstract principles of government, or to the constitution of other States; since it is from a comparison between different forms of government, and from the practical results of each, as recorded in history, or collected from experience, that political wisdom may be gleaned, and a fair criterion for judgment be frequently

formed. So far, then, Mr. Fox was, undoubtedly, regular in his introduction of his remarks upon the revolution in France, and on the political system of America. But it seems impossible to deny, that the tendency, at least, of his speech was favourable to republican principles.

He was answered by Mr. Pitt, who, with his wonted prudence, cautiously abstained from any declaration of sentiment respecting the comparative excellence of any existing governments. He considered the division of Canada into two provinces to be a fundamental part of the bill, as being the most likely method to produce that coalition of French and English parties which he admitted, with Mr. Fox, to be extremely desirable. If there were to be only one House of Assembly, and the two parties, as might be sometimes expected, prove equal, or nearly equal, in numbers, a perpetual scene of factious altercation would succeed, and the breach become wider. On the other hand, by the establishment of two distinct assemblies, all cause of complaint would be removed; while the French subjects, being left to their own free choice, and not influenced by the pride of party, would, most probably, adopt the English laws, from an unprejudiced observation of their superior utility.

He conceived that the number of which the assemblies would consist, according to the present population of Canada, could not, with propriety, be augmented; but that, when the population should be increased, there would not be the smallest objection to any reasonable addition. As to the duration of the assemblies, he preferred the term of seven years to any shorter period; particularly as the governor would have less influence in the Canadian councils and assemblies, than in those of our West Indian colonies.

Mr. Pitt expressed his total dissent from the opinion of Mr. Fox, that the legislative council should be elective, according to the plan adopted in America. He would not inquire whether France and America had chosen wisely for themselves, under the peculiar circumstances of the respective countries, but he had no difficulty in declaring, that he was convinced our own constitution was best for us. He did not wish to use the word *Republicanism* in an obnoxious sense; but he was fully persuaded, that none of those republican principles which Mr. Fox had described, as resulting from a greater extension of light and learning, and which were supposed to give unparalleled splendour to the constitutions of France and America, would improve the British

constitution. An aristocratical principle being one necessary part of a mixed government, he thought it proper that there should be such a council in Canada, as was provided by the bill, and which might, in some degree, answer to our House of Lords.

In respect of the proposed allotment of lands to the clergy, Mr. Pitt remarked, that this proportion (much less than one-tenth of the produce of lands) had almost become an established custom in England, where land was given in commutation for tythes. But this, as well as every other part of the bill, Mr. Pitt said, might become a subject of future revision, by re-committing the bill.

In the interval which occurred between the different stages of this bill in its progress through the House, two motions were made, one by Mr. Grey, and the other by Mr. Baker, for a committee on the state of the nation.—In the discussion, which took place on the first of these, Mr. Sheridan avowed his adherence to all the principles advanced by Mr. Fox.—He held forth the ancient government of France as characterized by a busy, restless spirit of intrigue; he considered the enmity between the two countries as now *totally past away*, and he recommended the preservation of peace on our part.—" *He hoped that* what had happened in

" France would prove an useful lesson here, " and that we should have leisure to improve " by studying it:" and he charged ministers with being eager to cultivate all the vices of the old French system, and to despise all the virtues of the new.

The habits and pursuits of Mr. Sheridan were not adapted to the acquisition of that knowledge which could enable him to speak, with decision, upon the respective merits or demerits of the ancient, and of the new, government of France. He was now only playing a part which he had learned by rote on the political stage;—he was a servile imitatator of Mr. Fox;—and sought to derive an adventitious consequence from attaching himself to that leader of a party, at a time when all that was respectable for rank, for talents, or for integrity, condemned his conduct, and evinced a disposition to leave him to the consequences which his own wayward disposition, and restive ambition, were calculated to produce. In speaking on Mr. Baker's motion, Mr. Fox, as if encouraged by the support of his political *Pierrot*, entered into a still more unequivocal and explicit avowal of his sentiments. He did not scruple to acknowledge, that his whole system of external politics had been changed by the change of the French

constitution. He had formerly been anxious for maintaining the balance of power, but now he owned himself to be very indifferent about it; not because our ancient rival and enemy might seem too poor or too weak to give us any immediate disturbance, but *because she had erected a government, from which neither insult nor injury could be dreaded by her neighbours.* He considered the internal relation of that government for its tendency to promote the happiness of its subjects; and adverting to the different opinions entertained on the subject, he avowed his admiration of the new constitution of France, as *the most stupendous and glorious monument which human integrity had erected to human happiness in any time or country.*

Mr. Fox is said to have afterwards qualified this unqualified approbation of the new French constitution, which it was utterly impossible for any Briton to admire without condemning the British constitution, from which it radically differed in every essential constituent of civil government.—But whatever Mr. Fox might have declared in private, history will judge *him* by his public professions.—Had his object been to encourage the French regicides to persevere in their destructive course; or to hold out incitements to the revolutionary clubs, now

forming in England, to follow their example, he could not have taken more effectual means for promoting its success. The minor satellites, which moved round the revolutionary planets, wanted only the cheering heat of his applause to convert them into planets, and to secure satellites of their own.—The obscure sons of sedition required only the sanction of some man of great talents, and high political reputation, to give them weight and influence with their associates, and their dupes. The authority of Mr. Fox answered their purpose effectually; and they had no need to put a false construction on his language, in order to render it subservient to their views. — It was easy, nay, it was natural, to infer from it a perfect approbation of the principles avowed by the French reformers, if not of the practices to which recourse had been had for carrying those principles into effect.—And, as these principles were totally hostile to the principles of the British constitution, not only as maintained by the Monarchs of the Stuart line, but as understood and explained, by the principal actors in the revolution of 1688, there could be no difficulty in persuading the lower classes of people, who constitute the physical force of every state, that the attempt to assimilate the government of Great Britain to the new government of France,

by annihilating the aristocracy, and all the prerogatives and power of the Crown, would, by its tendency to promote the happiness of the subject, ensure the approbation of Mr. Fox, and extort the gratitude of posterity.

APPENDIX A.

THE importance of the question, which was the subject of the preceding debate, and the various sentiments which are entertained respecting the propriety or impropriety of the motion of the Chancellor of the Exchequer, which gave rise to it, affords reason to suppose, that the following list of the members, who voted on each side, cannot but be acceptable to the reader.

A CORRECT LIST OF THE SEVERAL MEMBERS, WITH THE PLACES THEY REPRESENT, WHO SUPPORTED OR NEGATIVED MR. PITT'S MOTION, BY VOTING FOR, OR AGAINST, THE PREVIOUS QUESTION MOVED BY LORD NORTH.

London, ALDERMAN WATSON in the Chair.

AGAINST *the Previous Question.*	FOR *the Previous Question.*
	Abingdon.
	E. L. Loveden, Esq.
	Agmondesham.
William Drake, Jun. Esq.	
	St. Alban's.
William Grimston, Esq.	William Charles Sloper, Esq.
	Aldborough, Suffolk.
	P. C. Crespigny, Esq.
	Samuel Salt, Esq.

AGAINST *the Previous Question.*	FOR *the Previous Question.*
Aldborough, Yorkshire.	
Sir Richard Pepper Arden. J. Galley Knight, Esq.	
Andover.	
William Fellowes, Esq. Benjamin Lethieullier, Esq.	
Anglesea.	
Nicholas Bayley, Esq.	
Appleby.	
Hon. J. L. Gower	
Arundel.	
	Thomas Fitzherbert, Esq. Richard Beckford, Esq.
Ashburton.	
Robert Mackreth, Esq.	
Aylesbury.	
Sir Thomas Hallifax.	William Wrightson, Esq.
Barnstaple.	
William Devaynes, Esq.	John Cleveland, Esq.
Bath.	
Lord Vicount Bayham.	Abel Moysey, Esq.
Beaumaris.	
Sir Hugh Williams, Bart.	
Bedfordshire.	
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ERRATA TO VOL. II.

Page 4, line 20, dele "the" before "toleration," and insert it after it.
—— 8, —— 9, for "gives," read gave.
—— —— —— 16, for "Elie," read Elie.
—— 13, —— 11, dele comma after "to."
—— note, for "famis," read amis.
—— 55, line 14, for "those," read those.
—— 104, —— 4, for "principles," read principle.
—— 105, —— 2, from the bottom, for "can," read could.
—— 150, —— 5, for "degree," read decree.
—— 169, —— 13, for "ambiguity," read antiquity.
—— 190, last line, dele "they," before "seldom."
—— 196, line 6, for "charge," read clause.
—— 203, —— 15, after "re-assume," insert his power.
—— 233, —— 2, from the bottom, for "Braglio," read Broglio
—— 246, —— 2, for sixpenie, read sixpence.
—— 253, note, for "Melville," read de Moleville.
—— 266, line 2, from the bottom, for "*mi*," read *sui*.
—— 384, —— 8, for "proposed," read prepared.
—— 434, —— 3, from the bottom, for "*irritation*," read *imitation*.
—— 490, last line but one, for "of," read for.
—— 500, —— 11, after "do," insert so.
—— 533, —— 5, from the bottom, for "our," read an.
—— 549, —— 5, for "whose," read by their.
—— —— —— 8, after "had," insert been.
—— —— —— 9, dele "them."
—— 561, —— 1, for "became," read become.
—— —— —— 3, for "prosecutions," read prosecution.
—— 566, —— 17, for "both," read birth.

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